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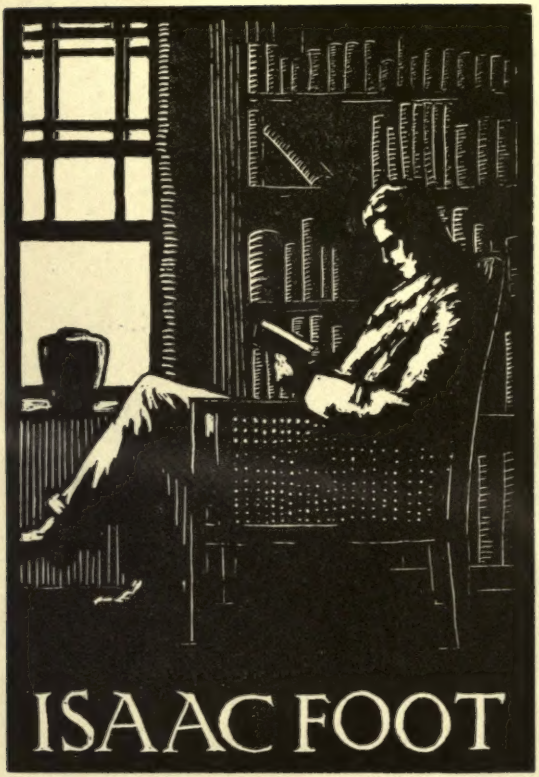

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MEMORIALS

OF THE

STUART DYNASTY,

INCLUDING THE

CONSTITUTIONAL AND ECCLESIASTICAL

History of England,

FROM THE

DECEASE OF ELIZABETH TO THE ABDICATION OF JAMES II.

BY

ROBERT VAUGHAN,

AUTHOR OF "THE LIFE AND OPINIONS OF WYCLIFFE."

IN TWO VOLUMES.

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PREFACE.

THE revolution of 1688 is the acknowledged epoch of our civil and religious liberties. That revolution, though accomplished with little effort and without commotion, was the result of a protracted struggle in behalf of popular rights, and of one maintained chiefly by religious men. In its earlier stages this patriotic contention derived its main strength from the puritans; and to the last, when it received important aid from members of the established church, it was an object of the utmost solicitude with the body of English nonconformists; nor is there any hazard in saying that their weight was then found sufficient to turn the scale on the better side.

The influence of these parties, and especially of the puritans and their descendants, on the great questions of civil freedom, and liberty of conscience, is a topic of inquiry equally curious

and valuable. It was not to have been expected that writers, having no sympathy with the religious principles of these men, should treat their story, in this view of it, either adequately or fairly: and it is a little singular that no nonconformist should ever have attempted that separate and continuous investigation of it, which its interest and importance so clearly demand. The leading design of the author has been to produce a work of this nature. It has also been his wish that it should be sufficiently extended to afford a satisfactory exhibition of its subject, without being so formidable in its appearance as to deter the general reader from approaching it.

Should it be inferred from these observations that the ensuing narrative will be found to consist of indiscriminate censure on the one hand, and mere eulogy on the other, the perusal of a few chapters will probably be sufficient to correct this misapprehension. That division of the moral or religious virtues which is implied in this too frequent method of setting forth the history of England during the seventeenth century, does not belong to the present state of existence. According to one of our popular writers,—and in this he is merely the echo of a host,—the puritans were a compound of "barbarism, intolerance, and madness," and

animated, by a relentless malignity, against every thing great, and good, and beautiful. They did infinite mischief, and always from a pure love of doing it: a little good they also did; but it was ever with an intention to do evil. Their weakness was marvellous, and the fittest subject in the world for ridicule, had it not been allied to wickedness still more remarkable, and deserving far other means of correction. Such, in substance, is the character of the English puritans, as given in the volumes recently published under the title of "Commentaries on the Life and Reign of Charles the First." To the class of readers who can derive pleasure from fictions of this description, when substituted in the place of history, the present work will be in no way acceptable. At the same time it will not surprise the writer to learn, that there are ultras on the other side to whom the opinions sometimes expressed in these sheets will not be quite satisfactory. He has not cared to become a caterer for the morbid passions of any party. His object has been to induce a just estimate of the sentiments of devout men in former times, and to promote that enlightened attachment to the principles of freedom by which those men were generally animated. That view of religion is defective and false which does not make the

love and the veneration of man a natural consequence of devotedness to his Maker.

The author is far from wishing to depreciate what has been written on the momentous period to which these volumes relate. But it will, he hopes, be manifest that his unfeigned admiration of the genius which many of our writers have brought to this subject has not made him insensible to their prejudices, nor allowed him to take their representations upon trust; and it may be proper to add, that he is not conscious of being under any material obligation to them without acknowledgment.

In committing these memorials to their fate, the writer is aware that very little talent or acquirement will be needed to raise objections to some of his statements, and often to make out a case that shall wear a different appearance from that which he may have placed before the reader. But he has laid his account with such things; and persuaded of having endeavoured to perform his task honestly, he leaves the fruit of his labour to that test which, soon or late, determines "every man's work, of what sort it is."

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MEMORIALS

OF

THE STUART DYNASTY.

INTRODUCTION.

CHAP. I.

THE AGE OF ELIZABETH.

THE reign of Elizabeth was in many respects illustrious. It is not that portion of English history to which the advocate of religious freedom, or of popular rights, will advert with satisfaction. With us, however, it is the epoch of Protestantism. That cause, so imperfectly served by Henry, was more auspiciously advanced under Edward; but no reader can be ignorant of the perils which assailed it during the sanguinary rule of Philip and Mary.* The Protestantism which we have to trace to the accession of Elizabeth, may be less pure than that which received the sanction of the state in the time of Edward. It was, nevertheless, such

* Burnet has remarked, that if the reign of Elizabeth had needed "a foil to set it off, the base and contemptible reign that went before it could not but add to its brightness."—Hist. Ref. Book V. Part III. p. 462. "God," he adds, "shortened those times for the elect's sake, and seemed to have suffered popery to show itself all over both false and bloody, even in a female reign, from whence all mildness and gentleness might have been expected, to give this nation such an evident and demonstrative proof of the barbarous cruelty of that religion, as might raise a lasting abhorrence and detestation of it." This statement contains a leading fact in our modern history.

CHAP. I. 1558—1603.

as should be remembered with gratitude. The securities by which it was guarded, and the vigour with which it was sustained, baffled domestic treason, humbled the pride of its alien adversaries, and afforded that degree of protection to the germ of religious independence and inquiry, which was so strictly necessary to its progress and maturity. The age of Elizabeth was also an interval in which the jealousy of the most formidable of the continental powers kept them in awe of each other; and when the statesmen of England, being careful to improve this new conjuncture, succeeded in raising their country from the second to the first rank among the nations of Europe. Then also it was that a spirit of commercial enterprise, diffusing itself through a large class of the community, began to impart a new element to the feeling and character of the English people. To this fact the immediate and signal prosperity of the kingdom, must be, in no small degree, attributed; and by the same means those seeds were scattered and caused to vegetate, which were, ere long, to give existence to a new and better state of things. The increase of wealth brought with it an increasing solicitude for the means of protection; and the power arising from opulence, which had now passed into the hands of the commons, was of too obvious a description to be long unemployed. With these favourable events, the progress of literature, which was scarcely less considerable, should be connected. Nothing, however, could be more foreign from the intention of Elizabeth, than the furtherance of those results

which her reign tended so greatly to promote. Her people, and even her favourites, appear too often to have been the objects of her affection only as they were the slaves of her will. Hence, sometime previous to her death, she was called to learn that she had lived too long. To survive their popularity has not unfrequently been the lot of sovereigns, and the trial, which few have borne with firmness, was peculiarly distressing to the arrogant and irritable temper of the Virgin Queen.*

That a correct judgment may be formed as to the constitutional and ecclesiastical history of England under the Stuart princes, it will not only be necessary that the reader should bear in mind these leading facts relative to the preceding reign, but that he should connect with them a more distinct recollection of the state both of the political and religious parties into which the kingdom was then divided.

* Birch's Memoirs, II. 508—516. Carte, III. 707. Sir John Harington was bound to Elizabeth by many obligations, and appears to have cherished a sincere respect for her memory. The following are among his notices of her last days:—"She walks much in her privy chamber, and stamps with her feet at ill news, and thrusts her rusty sword into the arras in great rage. I obtained a short audience at my first coming to court, when her highness told me, if ill counsel had brought me so far from home, she wished heaven might mar that fortune which she had mended. Her highness hath worn but one change of raiment for many days, and swears much at them that cause her griefs in such wise, to the no small discomfort of all about her, more especially our sweet Lady Arundel. She rated most grievously at noon at some who minded not to bring up certain matters of account. Several men have been sent to, and when ready at hand, her highness hath dismissed them in anger; but who shall say, 'your highness hath forgotten?'" While things were in this state, he writes, "I was honoured at dinner with the archbishop, and several of the church pastors, where I did find more corporeal than spiritual refreshment; and though our ill state at court may in some sort overcast the countenance of these apostolic messengers, yet were some of them well anointed with the oil of gladness." — Nugæ Antiquæ, I. 318, 319, 323.

CHAP. II.

ON THE STATE OF THE ENGLISH CONSTITUTION PREVIOUS TO THE ACCESSION OF JAMES I.

NATURE AND CLAIMS OF OUR CONSTITUTIONAL HISTORY. — STATE OF THE CONSTITUTION UNDER ALFRED. — FUNDAMENTAL MAXIMS OF THE ENGLISH CONSTITUTION. — THE MAXIM THAT NO ENGLISHMAN SHALL BE TAXED WITHOUT HIS CONSENT — HOW INVADED BY ELIZABETH. — THE LEGISLATIVE POWER OF PARLIAMENT — HOW IMPAIRED DURING THIS REIGN — BY THE INTERFERENCE OF THE CROWN WITH DEBATES IN PARLIAMENT—BY PROCLAMATIONS. — ADMINISTRATION OF JUSTICE. — STATE OF PERSONAL FREEDOM. — COURTS OF HIGH COMMISSION AND STAR CHAMBER. — GROWING IMPORTANCE OF THE COMMONS.

CHAP. II.
1500—1603.

Nature and claims of our constitutional history.

ENGLISHMEN who attach a proper value to their freedom, can hardly be incurious as to the means by which it was obtained, or the securities by which it is to be preserved. To elucidate these points, and especially as they were affected by the zeal of religious parties previous to the accession of William and Mary, is the leading object of the present work. The true design of legislation, whether in its ruder, or in its more advanced stages, is the welfare of men in their social relations; and the many forms of government which have existed may accordingly be regarded as so many experiments, tending to determine what the means are by which this end may be best promoted. Thus the science of law, properly understood, comes to be the science, not merely of justice but of benevolence—in truth, of a philanthropy,

second only to that which has respect to man in his accountableness to God, and in his relation to those states of existence which belong to the future. The personalities and asperities so generally connected with the politics of the hour, and the mystery and chicane which too often characterize legal proceedings, may impair the dignity of legislation in the eyes of the superficial, but viewed in its eternal principles, it will ever be revered the most where there is most of the capacity to appreciate the great and the good. It is not singular, therefore, that the ecclesiastical history of this country should be so intimately connected with that of its civil constitution. Independent of the relation into which these are brought by state enactments, there is a natural and a nearer alliance by which they have been linked together, and made to share in the same destiny. Christianity, which provides so pre-eminently for the true worship of the Deity, requires of every disciple that a sincere regard to such civil institutions as are most expressive of good-will toward men should be numbered among his religious duties.*

* It was in the following language that a puritan clergyman addressed an assembly, including many of the dispensers of the law, at an early period in this reign:—"The lawyer, he must deal justly, and give every man his own. For he is the living landmark that teacheth men their inheritance, that pointeth out their right and title, how far it goeth, and so breaketh controversy, and telleth every one in his doubtful cause where his claim and title lieth, what law and equity will bear him in, and where it will forsake him. Such men are the common treasure-house of the land, whereunto the evidences of every man are committed; and they put in trust withal to reserve to every man his title, that when he is inconvenienced for his right, they should, out of that treasure-house of the law, bring good evidence for him, and so forthwith clear his innocence. The law is the house of every man,

CHAP. II.

1500—1603.

State of the constitution under Alfred.

Our civil constitution, as left by Alfred, may be said to have included a code of laws which had obtained the sanction of the Anglo-Saxon thanes, together with provision for the administration of those laws in a gradation of courts, each subject to a superior, and the whole subordinate to that of the king.* On this imperfect but noble outline, many improvements have been effected. But its early features are still visible; the object of every subsequent modification, being either to render the law more adequate to the altered state of the community, or to render its administration more certain and impartial.

Fundamental maxims of the English constitution.

There were two maxims which were particularly conducive to such improvements. It became, in process of time, a matter of chartered right, that no principle of government should become law until established as such by the concurrent voice of lords and commons assembled in parliament; and also, that no Englishman should be taxed without

where, being tossed with many storms abroad, he findeth a place in which to hide his head, and being there in safety, doth boldly contemn both wind and weather, quietly taking his rest. For being tossed with injuries, either in body, or goods, or name, we have no house of refuge and rest besides the law — no sanctuary in our unjust vexations beside that. Is not the law the house of the troubled and wearied man? Yea, Westminster-hall is the poor man's house. And therefore doth he pay tax and subsidies, that it may be a house of defence to him, able to keep out wind and weather, however tempestuous. If a man that is oppressed and wronged abroad, in any part of this land, shall bring his matter unto hearing at Westminster-hall, look ye that ye be good unto him in his own house; let him take no harm at home, his grief is great enough abroad."—A Sermon, preached at Paule's Crosse, the Fryday before Easter, commonly called Good Fryday, in the yeare of our Lorde, 1567. By John Knewstub. Appeals of this description were not unusual from the pulpits of the puritan clergy. The above extract deserves the attention of the reader, as showing the ground of that attachment which this body is known to have felt to the constitution of their country.

* Blackstone, IV. 403, 404. ed. 4to. 1769.

his consent there virtually given in the person of his representatives.

The maxim that no Englishman shall be taxed without his consent—how invaded by Elizabeth.

It is true these leading maxims of the constitution were too frequently invaded. The authority of parliament, as that of the only power competent to impose taxes, was sometimes infringed by means of loans, and in other cases by way of benevolence. The money sought under these courteous terms was solicited as a voluntary contribution, but was generally granted to avoid those indirect modes of coercion which the government might be found to have at its command, such as quartering soldiers upon the persons refusing, or subjecting them to some forced employment for the crown that would prove more costly than submission to its claims. No legal plea, however, could be urged in favour of these extraordinary methods of extorting money from the subject. They were means to be employed only in those cases of great and sudden emergency to which the law of proceeding by consent of parliament could not be applied. Such irregularities were grounded on the doctrine of necessity, and were expected to disappear with the return of a parliament to the exercise of its functions, as the guardian equally of the liberty and property of the realm. The temper of Elizabeth was not such as to allow precedents favourable to her prerogative to be wholly forgotten; but her prudence, and, still more, that of her council, was very frequently opposed to their being acted upon. During a reign of nearly half a century it does not appear that the Queen solicited a single benevolence from her subjects. In two instances only she procured

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loans, and those were obtained on occasions of the greatest moment, and were honourably repaid—we say *honourably* repaid, because money so lent was lent without interest, and could not be recovered by process of law. To avoid such appeals to her subjects, Elizabeth frequently borrowed sums of private persons, at the rate of six, twelve, and even fourteen per cent. The exorbitant return last named she paid on one occasion when a loan, which had been generally complied with in the country, was resisted in the metropolis. The evident reluctance with which the Queen resorted to such methods of supplying her wants, must demonstrate that they were generally regarded as illegal, and that, except in cases of the most rare occurrence, they were exceedingly unpopular. As far, therefore, as forced loans, or the similar contribution called benevolences are concerned, it may be said that the reign of Elizabeth, viewed as a whole, left the exclusive power of parliament to impose taxes unimpaired.*

* Murdin, pp. 181, 632. Haynes, pp. 518, 519. Strype, II. 102. III. 535. The circular letters employed to procure these royal loans, were called privy seals, and will frequently occur to the notice of the reader under that name. For further information on the points adverted to in the above paragraph, see Hallam's Constitutional History of England, I. 262—264. ed. 4to. and particularly Mr. Brodie, I. 248—266. "From time immemorial," observes this author, "every legislative grant has passed under that (benevolence) name." The want of attention to this fact, has led writers of the school of David Hume into serious mistakes. The term acquired a conventional and a different meaning in course of time, and chiefly from a precedent introduced by Edward IV., for which, observes Lord Bacon, "he sustained much envy." A subsequent statute accordingly declares, "That the king's subjects shall from henceforth in no wise be charged by such charge, exaction, or imposition, called *benevolence*, nor by such like charge; and that such exactions, called benevolences, before this time taken, be taken for no example, to make any such, or any like charge of the king's subjects hereafter, but shall be damned and annulled for ever." 1 Ric. III. c. 2. But

The same may be affirmed with regard to another important source of revenue, namely, the duties laid on merchandize at the ports. A tax had for ages been levied on all wool taken out of the kingdom, and Mary extended it from the material to the coarse cloth into which it was sometimes worked, apparently with a view to escape the duty. Elizabeth followed the example of her predecessor in this respect; but the whole proceeding excited much complaint, and the judges under both sovereigns delivered their opinion in favour of the subject and against the crown. From the time of Edward the third no attempt had been made to infringe upon the statutes relating to imposts. Nor was it in such ways that Elizabeth became illegally possessed of any considerable sums from her people. The great evil of her reign consisted in monopolies, almost every branch of trade being sold into the hands of individuals or companies by the government—a practice which, if it sometimes afforded a temporary aid to the treasury, inflicted a permanent injury on the commerce of the kingdom. Without the profit derived from this corrupt source, no parsimony—not even that of Elizabeth—would have been sufficient to prevent the necessity of a frequent appeal to parliament.*

this decisive statute was said to have passed under a usurper, and on this plea was too often evaded. Even in the reign of Henry VIII., however, an effort to raise money in contempt of this enactment provoked loud murmurs, the people saying, "If men should give their goods by a commission, then were it worse than the taxes of France, and so England should be bond, and not free."—Halle, fol. 138. And the king considered it prudent to recal his warrants.

* Brodie, pp. 292, 293, 366—375. These abuses had excited so much discontent, that Sir Robert Cecil, when about to remedy the evil in com-

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The legislative power of parliament—how impaired during this reign.

But if the laws which declare that no Englishman shall be taxed without his consent were thus substantially retained, what, during this period, was the fate of the legislative power of parliament? It is certain that this right, though not strictly denied, was invaded more variously and more frequently than the former. Yet it was far from being so seriously impaired as it has been sometime fashionable to suppose. The Queen repeatedly interfered with the debates of the commons, prohibiting, and not always in very courteous language, the discussion of matters on which the conclusions of that house were likely to be at issue with her own. No bill could become a statute without her assent, and on the ground of the place thus assigned to the sovereign in the legislature, Elizabeth appears to have deemed it constitutional to intimate her dissent from any proposed measure in any stage of its progress. It was doubtless important to the court, that the lower house, and the people, who would be greatly influenced by it, should be prevented from becoming strongly possessed in favour of any object known to be unacceptable to the crown. This practice, however, could not have become prevalent without the greatest injury to that liberty of speech which the house had so long and so justly claimed

By interference with debates in parliament.

pliance with the loud remonstrance of parliament, assured the commons that he knew them to be matters of complaint in the open streets. "I have heard myself," he observed, "being in my coach, these words spoken loud—'God prosper those that further the overthrow of monopolies. God send the prerogative touch not our liberty.' The time was never more apt to make ill interpretation of good meaning. I think those people would be glad that all sovereignty were converted into popularity." The reader will find this evil resuming much of its magnitude in the next reign, and producing the same result. D'Ewes, pp. 653—659.

as one of its most important privileges. So early as the reign of Henry the fourth, the commons obtained a law which promised to protect their proceedings from such interruptions,* but the immunity was too nearly allied to popular liberty to be fully tolerated under the Tudor dynasty. According to present custom, the king is not supposed to be aware of what is passing in parliament, until the result of its deliberations is placed before him in the shape of a bill; and this refinement of legislation makes the opposite conduct of Elizabeth appear exceedingly irregular and arbitrary. This evil will frequently arrest the attention of the reader in the ensuing reigns, and will be found the occasion of much angry disputation between the advocates of the prerogative and the friends of the people.†

By proclamations.

While such intrusions frequently prevented the framing of laws by the parliament, the Queen and her council were not slow to issue a sort of supplemental enactments, under the name of *proclamations*. Long intervals were unhappily allowed to pass between the meetings of parliament, and one of the evils resulting from this policy was, that this temporary, or intermediate power of legislation sometimes became necessary. Many, indeed, of these laws of prerogative were founded on existing statutes, but others made that to be an offence

* Miller's Historical View of the English Government, II. 451.

† It must not, however, be supposed, that the Queen always, or even commonly, exercised this right of interference. In the thirty-ninth year of her reign, her assent was refused to no less than forty-eight bills which had fairly passed both houses.—D'Ewes, p. 596. It was when meddling with the succession, or with ecclesiastical affairs, that the commons felt her resentment in this way.

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which was not such before, and inflicted penalties which the common law would not have warranted. The only plea, perhaps, to be admitted, even in that age, in support of these invasions on the province of parliament, was necessity; the cases being such as the proper legislature had not anticipated, or could not provide for with sufficient promptitude or accuracy. And it must be confessed, that cases of this description were not unfrequent amid that struggle of parties which extended through the whole of this reign. Elizabeth sometimes abused the discretionary power thus necessarily intrusted to her; but it might, at the same time, be shown, that the examples adduced as most illustrative of her arbitrary sway, were nearly all founded, more or less immediately, on existing laws, not excepting her commands with regard to abstinence from flesh, and from certain articles of dress.*

Administration of justice.

But if the insidious methods of aiding the revenue to which we have adverted, and the frequent interference in parliamentary discussions, together with the abuse of proclamations, were just matters of complaint, the same language might, with still greater propriety, be applied to the administration of justice. When no party animosities occurred to disturb the stream, we may presume that it flowed on clearly and placidly. But the laws which had provided so admirably for the liberty of the

* Hallam, I. 254—256. Brodie, I. 285—290. That the prerogative might be employed to *alter the laws* was never admitted, and the act which gave to the proclamations of Henry VIII. an authority too nearly resembling that of statutes, was, as is well known, rescinded in the next reign. "Proclamations," observes Sir Edward Coke, "are of great force when they are grounded upon the laws of the realm."—Third Inst. p. 162.

subject, could be put aside whenever any state object was viewed as requiring it. The judges held their office "during good behaviour," a condition that could not fail to be understood, and understood, could rarely fail to be pernicious. With this cause, which in every state trial was so unfavourable to the true decision of a judge, there were others connected, which were equally in the way of obtaining a true verdict from a jury. In such cases, "the sheriff returned a panel, either according to express directions, of which we have proofs, or to what he judged himself of the crown's intention and interest. If a verdict had gone against the prosecution in a matter of moment, the jurors must have laid their account with appearing before the star-chamber, lucky if they should escape, on humble retractation, with sharp words instead of enormous fines and indefinite imprisonment. The control of this arbitrary tribunal bound down and rendered impotent all the minor jurisdictions. Until this weight, that hung upon the constitution, should be taken off, there was literally no prospect of enjoying, with security, those civil privileges which it held forth." It is also remarked, that the man arraigned for treason, "was almost certain to meet a virulent prosecutor, a judge hardly distinguishable from the prosecutor except by his ermine, and a passive pusillanimous jury."*

State of personal freedom.

Despotic rulers have always been concerned to retain the power of committing obnoxious individuals, and of doing so without being obliged to

* Hallam, I. 248, 251.

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bring such persons to a speedy trial, or to assign any cause for their detention. Against this species of tyranny our ancestors made the most solemn provisions in Magna Charta, and in many subsequent statutes. But Elizabeth, in common with her predecessors, scrupled not to violate those safeguards of freedom. In her reign, even a solitary member of the privy council deemed himself competent to order such arrests. But that such proceedings were known even then to be illegal, is evident from the conduct of the judges, who, while pensioners on the court, persisted unanimously in releasing the men who had been thus wronged by the jealousy of courtiers, affirming it to be the law of the land, that no man should be thus deprived of his liberty without some specified and lawful cause.* Such, at least, was the meaning attached to their language by Coke and Selden, in the memorable debate on this subject in 1627, and by their opponents its correctness was tacitly admitted.† It should not be forgotten that the

* Anderson's Reports, pp. 297, 298. To evade this spirit of resistance, the prisoners were sometimes removed from prison to prison, which, in 1591, led to a memorable appeal on the part of eleven of the judges in favour of the liberty of the subject. It was to the effect stated in the text.

† Brodie, I. 232—236. This concession too, it appears, was made while the crown advocates were incapable of producing a single precedent for the principle which they were concerned to establish. It may, however, be questioned, whether this memorable complaint of the judges, while most decisive as to the unlawfulness of such arbitrary detentions, as proceeding from the authority of individual ministers, was meant to apply equally to those proceeding from the executive government. Compare the paper as printed in Anderson's Reports, I. 297; or in Art. Anderson, Biographia Britannica, or Biographical Dictionary, with that published by Mr. Hallam, from the Lansdowne MSS. Mr. Brodie affirms, on this authority, that "the power of the Queen and her council to imprison at will was *denied*, for the cause must be *certified*, as well as be one which it is the *object of government to bring to trial*." And the passage which he has cited would certainly seem to con-

reign of Elizabeth was such as in many instances to justify these stretches of authority, but the evil was, that the precedents supplied by necessity were afterwards acted upon from the mere love of power. Throughout this period, however, the judges appear to have shown an honourable degree of zeal in checking practices, the tendency of which was to put the resentment of individuals in the place of the laws.

Courts of high commission and star-chamber.

But among the engines of arbitrary rule during this reign, the star-chamber and high commissioned courts were the most formidable. The object of the last was to oblige both Catholics and puritans to become conformists to the worship of the established church, and to inflict ecclesiastical censures on all delinquencies falling beneath the cognizance of ecclesiastical law.* The proceedings of this tribunal will claim the

vey this doctrine. It is evident that those flagrant violations of law in this respect, which took place under James and Charles, could derive but little sanction from the practice of Elizabeth. When the Spanish Armada hovered on the coast, certain Catholics, in the alarm of the moment, were imprisoned without the form of law; and the commons, who rarely adverted to papists, except to show their own intolerance, petitioned to bring in a bill for the indemnity of the sufferers—so great was the jealousy of Englishmen with regard to their personal freedom.

* The commissioners soon passed beyond the limits of the statute from which the court derived its origin, by resorting to fines and imprisonment, and by introducing the oath, *ex officio*, which bound the accused to answer all questions, though framed to render him the accuser of himself, or his friends. This oath, it will appear, was often resisted, especially by the puritans, and an appeal lay from the sentence of imprisonment or fines, to the courts of Westminster, whose prohibitions were issued to withdraw the cause from the cognizance of the ecclesiastical commissioners, as from a tribunal having no authority to award such penalties. The ecclesiastic, however, who should make such an appeal, had to lay his account with the resentment of his spiritual judges—a circumstance which no doubt induced the greater number to submit to a less injury, rather than incur the risk of a greater. Brodie I. 154, 155, 196, et seq.

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attention of the reader in the two following chapters. The star-chamber was a court which had grown out of the ancient authority of the privy council. It took under its jurisdiction actions or words not cognizable by the common law, but which might, nevertheless, be construed into a contempt of the royal authority; and by professing to act, with respect to evidence and penalties, more according to the spirit than the letter of the law, it presented ample room for the indulgence of avaricious and malevolent passions. It could inflict fines, imprisonment, and corporeal punishment, almost without limit. Limits, however, it had, arising chiefly from its connexion with more liberal institutions, and from that jealous inspection of its affairs which the spirit of those institutions tended to inspire. From this cause, and some others, the occupation of the court of star-chamber under Elizabeth was trivial, and its transactions almost legal, when compared with what they became under the next dynasty.

The attention which was so constantly given by the Queen's government, and especially by her chief minister, Burleigh, to the incipient motions of disaffection, must not be traced to any consciousness of strength, so much as to an unfeigned alarm arising from a sense of weakness. Where there is a force at command that may render it quite safe to wait for the overt acts of treason, there will be less solicitude to search after it in embryo. Such a force, however, the government of Elizabeth did not possess, and the policy which, from this circumstance, became necessary, was to

endeavour to crush the beginnings of conspiracy, instead of waiting to contend with it in the more formidable attitude of open rebellion. In such a state of things individual liberty will often be invaded from the most sincere concern for the public good. The innocent must sometimes suffer, that the guilty may have less chance of escaping; but, as we have stated, such exercises of power are ever in danger of being converted into precedents.

Growing importance of the commons.

The best security against these and similar abuses was found in the jealous eye with which they were regarded by a numerous body in the commons, especially toward the close of this reign. The debates which took place in the lower house relative to the Queen's marriage, particularly in the parliament of 1566, provoked the royal displeasure, and not altogether without reason. But if the members who pressed that question failed in their immediate object, it was not until they had ventured upon it with a freedom of manner which, if in some degree uncourteous, was, upon the whole, worthy of their place as the representatives of the English people. Nor were they to become silent until they had extorted an acknowledgment of that liberty of speech in their discussions, which the Queen, in a moment of rashness, had declared to be theirs only by sufferance.*

* Camden relates, that as the Queen evaded the motion of the commons respecting the succession, the members entered into discussions, which "grated hard on the Queen's royal prerogative." Dutton, Wentworth, Bell, and Monson, who are described as "great lawyers," took a prominent part in this debate, the substance of which is given as follows:—"That kings are bound to appoint a successor; that the affection of the subject is the most impregnable bulwark and support of the prince; but that princes can gain this affection no otherwise than by providing for the welfare of their subjects,

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When the next parliament was convened, which was not until five years afterwards, the commons were admonished by the lord keeper, in the name of the Queen, that it would be well in them so far to avoid the example of their predecessors, as not to meddle with affairs of state beyond such as were propounded to them, but "to occupy themselves in other matters concerning the commonwealth." It was in this parliament, however, that the puritans braved the displeasure of the Queen, by urging the question of ecclesiastical reform. Mr. Strickland, the mover

1571.

both whilst they live and after their death; and which can by no means be done, but where it is certainly known who shall succeed to the throne. That the Queen, by not appointing a successor, did at once provoke the wrath of God, and alienate the hearts of her people. Whereas, would she possess the affections of her subjects, and the favour of God, and live for ever in the remembrance of her people, she must of course nominate a successor; if not, she would be rather a step-mother of her country, or something worse than the nursing mother thereof, as being seemingly desirous that England, which lived as it were in her, should rather expire with, than survive or out-last her. That none but timorous princes, or such as were hated by their people, or faint-hearted women, did ever stand in fear of their successors." These speeches, which Camden describes as pert, insolent, and audacious, were reported to Elizabeth, who, though much concerned, "seemed to overlook it;" and sending for thirty of the members to her presence, "she endeavoured first to smooth and qualify their minds by many obliging expressions, but afterwards gave them a smart reproof, in which however she mixed some sweetness with majesty. She promised them to arrange things, not only with the care of a prince, but with the tenderness of a parent, by which means she diverted them from their resolution; and because the parliament had offered greater subsidies than usual, on condition she should declare a successor, she utterly refused that extraordinary supply, saying, "that money in her subjects' purse was as good as in her own exchequer." This scene exhibits a fair example of the terms on which Elizabeth and the commons generally stood with regard to each other. Parl Hist. I. 715, 716. It should be added, that this spirited debate was conducted in spite of two messages from the Queen, prohibiting the house from entering upon it; and it was upon a motion of Wentworth's, who wished to know whether such messages were not "against the liberties and privileges of the house," that the above expressions were uttered. The queen afterwards, "for the good-will she bore to them, did revoke her two former commandments, which was taken by the house most joyfully."—Ibid.

of a bill on that subject, was accused of attempting to usurp what belonged to the Queen's supremacy; and the council having privately censured his conduct, forbade his again appearing in his place. But the house complained of this interference as a breach of privilege, and a debate of some warmth ensued. In support of what had been done, it was observed that the offending member was not subject to confinement; that he would not be treated with severity; and that the notice taken of his conduct, for which many precedents might be cited, was not meant to check liberty of speech, but such motions only as amounted to an invasion of the Queen's prerogative—matters which assuredly were not to be tolerated. But Mr. Carleton claimed that Strickland "should be sent for to the bar of that house, there to be heard and there to answer." In this he was supported by Mr. Nicholas Arnold, who remarked that he must utter his concern for their common liberty, as he could better endure to be numbered with those who might be deemed offenders in doing so, than "to be offended with himself." But the speech of Mr. Yelverton appears to have breathed a still more ardent spirit of constitutional freedom. "Arguing in this sort," observes the reporter of this debate, "he said the precedent was perilous, and though in this happy time of lenity, among so good and honourable personages, under so gracious a prince, nothing of extremity or injury was to be feared, yet the times might be altered, and what now is permitted, might hereafter be construed as a duty, and enforced even on this ground

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of the present permission. He further said that all matters not treason, or too much to the derogation of the imperial crown, were tolerable there, where all things came to be considered of, and where there were such fulness of power as even the right of the crown was to be determined; and by warrant whereof it had been so resolved. That to say the parliament had no power to determine of the crown, was high treason. He remembered how that men are not there for themselves, but for their countries. He showed it was fit for princes to have their prerogatives, but yet the same to be straitened within reasonable limits. The prince, he shewed, could not of herself make laws, neither might she, by the same reason, break laws. He further said, that the speech uttered in that place, and the offer made of the bill, was not to be condemned as evil." This bold language shook the firmness of the privy council; they were seen whispering together, and it was at length deemed expedient to retrace their steps, by directing Strickland to resume his seat. This concession is not to be explained, except on the supposition that the sentiments so freely uttered by Yelverton were known to be those of a considerable body of the house.*

Disputes of this spirited description were not unusual during a reign which has been so con-

* Parl. Hist. I. 733, 734, 760—765. It is remarkable, that the topic thus introduced, and which the commons could never afterwards be induced to leave to the Queen and her commissioners, was recommended to their attention in the opening speech of the lord keeper. The new parliament were "to consider first, whether the ecclesiastical laws concerning the discipline of the church be sufficient or no; and if any want should be found, to supply the same."—Ibid. p. 724. I am not aware that this fact has been noticed.

fidently described as one of almost uninterrupted submission to arbitrary management. The topics on which such altercations continued from this period to arise, were the settlement of the succession, the reform of the hierarchy, or the redress of civil grievances. The Queen frequently reminded the commons, when adverting to such matters, that they were passing beyond their sphere; and her prohibitory messages were followed, in some instances, by subjecting certain leading members to temporary confinement. Much, however, continued to be indirectly obtained, the policy of Elizabeth leading her to avoid the compulsion which might otherwise have been laid upon her, by sometimes granting in substance what she had denied in form. The parliament of 1601, two years before the Queen's decease, exhibited the triumph of the patriotic portion of the lower house. Men might still be found there whose assertions in behalf of prerogative were as extravagant as those which courtiers had been accustomed to employ some thirty years before; but the dogmas of such men were now opposed with a unity and vehemence which swept them away as with a torrent. The question which elicited this strong expression of feeling referred to the evil of monopolies. The Queen prudently affected to have been abused by false information, and the redress called for, costly as it would be to the crown, was solemnly promised. It is worthy also of remark, that Elizabeth parted from this memorable parliament with expressions of good feeling.* The

* Parl. Hist. I. 923—942.

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same proceedings on the part of the commons, had they occurred during the former half of the Queen's reign, would have exposed them to her severe censure, and some of them, perhaps, to a heavier penalty; but those were the days of *her* strength, and of *their* weakness. The scale had been turning for some time past.

The commons, moreover, claimed to be exempt from arrest on account of any civil process during the session of parliament, and asserted their right to decide respecting contested elections; and the zeal and success with which these important claims were urged, are not the only circumstances which concurred, before the accession of James the first, to show the jealousy of freedom, and the feeling of importance, with which that body had become animated.* It may, upon the whole, be safely asserted, that if the parliaments of this period were far from exercising all those rights with which the constitution had vested them, there never failed to be a considerable number among the representatives of the people who, at every hazard, and sometimes with an energy amounting to imprudence, affirmed their right to examine all public abuses, and to provide the necessary remedies. To the spirit with which this right was asserted we are mainly indebted for our liberties. The body also who thus asserted it, had so far increased before the sceptre of the kingdom was allowed to pass into the hand of a Stuart sovereign, as to render it evident to the observing, that nothing but a timely concession of several important branches of

* Hallam, I. 288—298.

authority which the crown had assumed, could save the commonwealth from such a collision of parties as might be greatly injurious to its interests. The monarch possessed some powers which it would have been well to have seen abridged; and exercised others which had been prohibited by the nation's law. The last evil was, upon the whole, less observable in the reign of Elizabeth than in that of some among her predecessors. But a habit of reference to the chartered immunities of English subjects, had become more common before the decease of that princess, and augured that what had been lost was likely to be regained, and that much of what was defective, both in the theory and working of the constitution, was likely to be supplied.

In the time of Mary, the Scottish reformer, Knox, had denounced female monarchy as the "Monstrous Regiment of Women;" and in the first year of Elizabeth, an answer to this work was published by Aylmer, afterwards bishop of London. This writer defends female sovereignty on several grounds, but especially vindicates that of England, by pointing out the limited character of the monarchy which is recognised by the English constitution. "Well," he observes, "a woman may not reign in England! Better in England than any where, as it shall well appear to him, that without affection will consider the kind of regiment. While I compare ours with other, as it is in itself, and not maimed by usurpation, I can find none either so good, or so indifferent. The regiment of England is not a mere monarchy,

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as some for lack of consideration think, nor a mere oligarchy, nor democracy, but a rule mixed of all these, wherein each one of these have, or should have, like authority. The image whereof, and not the image, but the thing indeed, is to be seen in the parliament-house, wherein you shall find these three estates, the king or queen, which representeth the monarchy; the noblemen, which be the aristocracy; and the burgesses and knights, the democracy. If the parliament use their privileges, the king can ordain nothing without them; if he do, it is his fault in usurping it, and their fault in permitting it. Wherefore, in my judgment, those that in Henry the eighth's days would not grant him that his proclamations should have the force of a statute, were good fathers of the country, and worthy commendation in defending their liberty. But to what purpose is all this? To declare that it is not in England so dangerous a matter to have a woman ruler as men take it to be. For first, it is not she that ruleth, but the laws, the executors whereof be her judges, appointed by her, her justices, and such other officers. Secondly, she maketh no statutes or laws, but the honourable court of parliament; she breaketh none, but it must be she and they together, or else not. If, on the other part, the regiment were such, as all hanged on the king's or queen's will, and not upon the laws written; if she might decree and make laws alone, without her senate; if she judged offences according to her wisdom, and not by limitation of statutes and laws; if she might dispose alone of war and peace; if,

to be short, she were a mere monarch, and not a mixed ruler, you might, peradventure, make one to fear the matter the more, and the less to defend the cause."* Such are the views of the English constitution which prevailed among Englishmen in the first early years of Elizabeth, and it will hardly be supposed that the more enlightened generation which had risen up before her closing years had arrived, were less sensible to the value of those unrivalled immunities which this noble polity had conferred upon them.†

* Harborowe of True and Faithful, &c. 1559. Mr. Hallam states that he is indebted to Dr. M'Crie's Life of Knox, for his knowledge of this passage; but the attention of the public was called to it, soon after the appearance of Hume's History, by Dr. Towers. See his Tracts, I. 308—310.

† The pages of Hooker will also show how far removed from those imputed to them, were the real opinions of the most judicious and informed men of this period. It is thus he speaks of the constitution as it existed before the accession of the Stuart dynasty:—"I cannot but choose to commend highly their wisdom by whom the foundation of the commonwealth hath been laid; wherein though no manner of person or cause be unsubject to the king's power, yet so is the power of the king over all, and in all limited, that unto all his proceedings the law itself is a rule. The axioms of our regal government are these: Lex facit regem—The king's grant of any favours made contrary to the law is void;—Rex nihil potest nisi quod jure potest—what power the king hath, he hath it by law: the bounds and limits of it are known, the entire community giveth general order by law, how all things publicly are to be done; and the king, as the head thereof, the highest in authority over all, causeth, according to the same law, every particular to be framed and ordered thereby. The whole body politic maketh laws, which laws give power unto the king; and the king having bound himself to use according to law that power, it so falleth out that the execution of the one is accomplished by the other." See a passage precisely similar to this in Smith's Treatise on the Commonwealth of England, (p. 77,)—a work composed some half century before the Ecclesiastical Polity.

CHAP. III.

ON THE STATE OF THE ENGLISH CATHOLICS UNDER ELIZABETH.

COMPARATIVE STRENGTH OF CATHOLICS AND PROTESTANTS.—CAUTIOUS PROCEEDINGS OF ELIZABETH.—ACTS OF SUPREMACY AND UNIFORMITY.—SEVERITIES COMMENCED AGAINST THE CATHOLICS.—THE LAWS AGAINST THEM ONLY PARTIALLY ENFORCED.—CATHOLIC CONFORMISTS, A NUMEROUS BODY.—CATHOLIC CONSPIRACIES.—QUEEN OF SCOTS.—ELIZABETH EXCOMMUNICATED, AND DECLARED AN USURPER, BY THE PONTIFF.—THE "GREAT CAUSE" WITH THE STATESMEN OF ELIZABETH.—THE CATHOLICS TREATED WITH GREATER SEVERITY.—MORE VIOLENT TEMPER OF ALL PARTIES WITH REGARD TO THE QUEEN OF SCOTS.—ADVICE OF BURLEIGH AT THIS CRISIS.—DIFFERENT POLICY OF ELIZABETH.—PERSECUTION FAILS TO SECURE TRANQUILLITY—SOME OF ITS EVIL EFFECTS.—SEVERER LAWS ENACTED.—PUNISHMENT OF DEATH INFLICTED.—USE OF TORTURE—ITS ILLEGALITY—THE SCANDAL OCCASIONED BY IT.—PUNISHMENT OF PRIESTS AND JESUITS.—PERIL OF THE QUEEN'S LIFE.—STATE OF THE CATHOLIC PARTY SUBSEQUENT TO THE DEATH OF THE SCOTTISH QUEEN.

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1558—1603. Comparative strength of Catholics and Protestants at this time.

THE measures which have fixed so deep a stain on the character of Mary, and on that of her counsellors, could only have proceeded from parties conscious of power, and confident of retaining it.* It is probable that the Catholic faith was then adhered to by the majority of the nation; it certainly included some of the most considerable families, and the mass among the lowest of the

* This confidence, however, was considerably shaken, after a while, by Mary's barrenness, and other causes; and many of the prelates, aware of the uncertain tenure on which they held their possessions, so far alienated them by means of long leases, as to leave their successors scarcely the means of subsistence. Burnet's Hist. Ref. V. 453, 461, 505.

people. But the middle class, though not the most numerous portion of the community, was known to be the most formidable; and with them the temper of Protestantism evidently prevailed.* The Queen began with selecting a council, the elements of which suggested pretty accurately what her religious policy would be. It was not without some known partisans of the Romish doctrines, but with these, and with some who were little affected by any creed, much abler men were associated, whose discreet and fixed attachment to the general principles of Protestantism, would not fail to have a material influence on the measures of the new government.† Accordingly, the Queen's first parliament vested her with supremacy in ecclesiastical affairs; restored the laws of Edward; and established the Book of Common Prayer—subject to certain modifications, which were expected to render it less objectionable to Catholic prejudice.‡ The bishops had some of them varied with the opposite changes of the two last reigns, and they were most of them seriously implicated in the recent persecutions. It is well to find that they did not become so odious as they might have been. With one exception only, they relinquished their station. Whether this arose from a consciousness that to have retained their office would have been to sacrifice the little reputation that might be left to them, or from some better motive, can only be

1558. Cautious proceedings of Elizabeth.

* Jewel describes "the inferior sort of the populace," on the Queen's accession, as "both ignorant and perverse." Burnet, Hist. Ref. V. 462, 472.

† Ibid. 461. Collier's Ecclesiast. Hist. II. 409.

‡ Parl. Hist. I. 642—660.

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conjectured.* About a hundred dignitaries followed the example of these confessors. Among the parochial clergy, those who resigned their livings, and those who were deprived, did not exceed eighty. On these men pensions were bestowed by the government; a generous method of retaliating the deeds of Bonner and Gardiner.†

Acts of Supremacy and Uniformity passed.

The Act of *Supremacy*, while it rendered Elizabeth the head of the church, required moreover that every beneficed clergyman, and every layman holding office under the crown, should renounce on oath all other jurisdiction within the realm of England, whether exercised by prince or prelate, and whether temporal or spiritual; and also declared it to be treasonable to insist on the lawfulness of any such jurisdiction, either in writing or otherwise. The Act of *Uniformity* forbade the performance of divine worship, except as prescribed in the book of Common Prayer; and the persons offending against this statute were liable to the loss of goods and chattels for the first offence, to twelve months' imprisonment for the second, and to confinement during life for the third.‡ The

* Elizabeth told them flatly, that "rather than abjure the pope once more, which they had often done before, they were resolved now to relinquish their bishoprics. It was plain they had no religion among them, yet now they pretended conscience—they were full of rage." Burnet's Hist. Ref. V. 477.

† Strype's Annals, p. 169. Burnet, ubi supra.

‡ 1 Eliz. c. 1, 2. The following is a copy of the oath of supremacy:—"I, A. B. Do utterly testify and declare, that the Queen's highness is the only supreme governor of this realm, and all other her highness's dominions and countries, as well in all spiritual and ecclesiastical things or causes as temporal; and that no foreign prince, person, prelate, state, or potentate, hath or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm; and therefore I do utterly renounce and forsake all foreign jurisdictions, powers, superiorities, and

first of these laws, it will be perceived, called for the renunciation of an article of belief, which was essential to the faith of Catholics, while the second was so framed as to proscribe the most secret exercise of their worship. The Act of Supremacy was of limited application, and was strictly enforced. The statute of Uniformity also was not unfrequently acted upon, even in the earlier portion of this reign.* Before the year 1562, several instances had occurred of persons being subject to fines and imprisonment as the punishment of privately con-

authorities, and do promise that from henceforth I shall bear faithful and true allegiance to the Queen's highness, her heirs, and lawful successors; and to my power shall assist and defend all jurisdictions, pre-eminences, privileges, and authorities, granted or belonging to the Queen's highness, her heirs and successors, or united and annexed to the imperial crown of this realm." A few months after this oath had become a law, an exposition of it was issued, the purport of which was, that the authority of the crown, though exercised thus supremely and exclusively with regard to ecclesiastical affairs, was not to be considered as a priestly authority, but still as strictly magisterial. The Catholics appear to have given out, that her majesty, to be consistent in assuming the title, "head of the church," should take her place at the altar, and enter upon all those functions which pertained to the pontiff, whose name she had thus appropriated. Some consequences of this sort, as involved in that designation, appear to have presented themselves to the apprehensions of the disciples of Calvin. With what conscience any Catholic could take the oath of supremacy, even when accompanied with the above exposition, it is difficult to conceive. It was taken, however, by many leading men of that communion, in this and the following century. Had not this been the fact, the Test Act could never have been required. See Somer's Tracts, I. 73. Butler's Memoirs of English Catholics, I. 157. Hallam, I. 120, 121.

* The Act of Uniformity restored the church service which had received the sanction of parliament under Edward VI., with some slight modifications. But it moreover vested the Queen and her commissioners with power to "ordain and publish such further ceremonies and rites, as may be for the advancement of God's glory, and edifying his church, and the reverence of Christ's holy mystery and sacraments." No power was so much valued by Elizabeth as that which this imprudent statute conceded. The commons became aware, ere long, of this evil, and endeavoured to repair it, but in vain. It became the plea of those ecclesiastical interferences which vexed the life of Elizabeth, and led to more painful results in the case of her successors.

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1558—1603. Severities commenced against Catholics.

forming to the Romish worship.* It was in that year also, four years only from the Queen's accession, that a law was passed which empowered any prelate, or a certain number of commissioners, to tender the oath of supremacy to all persons having taken orders, having obtained a degree in either University, or being admitted to practise as lawyers or civilians. The individual declining this oath was allowed three months to reflect, and persisting in his refusal he was to be declared guilty of high treason. There must have been some truly dangerous symptoms in the Catholic body at this moment, as it is well known that Elizabeth seldom meant to irritate that class of her subjects unnecessarily. It appears also, from facts, that this terrific instrument was rather designed to intimidate the leaders of disaffection than to be generally applied.†

The laws against them only partially enforced.

Considerable credit, indeed, would seem to be due to Camden and others, who affirm, that during the first fourteen years of Elizabeth, the private exercise of the Catholic rites was a matter of almost general connivance. Instances, however, failed not to occur of persons suffering on account of

* Strype's Annals, I. 233, 241. See a letter written in 1562, in Haynes, p. 395, which shows, that even such men as Grindal could appeal to the avarice of the court in favour of persecuting all who should be convicted of hearing mass, or entertaining priests. Torture was suggested as likely to extort confessions, and confessions were to be sought as a means of levying fines. The first offence against the statute requiring uniformity of worship, did not legally expose the offender to imprisonment; but there is reason to believe, that the punishment assigned for the second stage of the alleged criminality, was frequently inflicted on the first. Indeed, the fate of obnoxious persons through the whole of this reign, was affected more by the temper of the government than by the statutes of the realm; the severity of the latter being sometimes increased, and sometimes diminished, according to circumstances.

† 5 Eliz. c. 1. Strype's Life of Parker, p. 125.

entertaining priests, or under the charge of recusancy—a word which came to be used as describing all persons wilfully absenting themselves from their parish church. Offences of the latter description became much more frequent among English Catholics as their numbers declined. This arose from the fact, that during the early part of this reign, it was almost generally understood by them, that to submit so far to the edicts of the state as to render an outward conformity to the religion which it enjoined, might be venial, provided the forms connected with the true faith were observed in private. Of this numerous class, sometimes called Catholic conformists, many in the course of years became Protestants. But the more conscientious, and especially such as were called to suffer on account of their fidelity, remained steadfast, and only became better known by means of the anathemas which were afterwards employed by the jealousy of their priesthood, to put an end to this dangerous sort of compromise. These becoming more devoted to their faith the more they saw it proscribed, were sometimes found to decline from the spirit of their allegiance as they advanced in religious zeal.

Catholic conformists a numerous body.

But whatever may have been the lenity of the one party, or the submission of the other, previous to 1570, the events of that year placed them in an attitude of hostility with regard to each other, that was both new and alarming. It was then that a formidable conspiracy in favour of the Scottish Queen, was detected; allied to this was the rebellion under the northern earls; and to stimulate these elements of treason, Pius V. issued

Catholic conspiracies.

Queen of Scots.

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Elizabeth excommunicated, and declared an usurper, by Pius V.

a bull, proclaiming Elizabeth a heretic, and, as a consequence, declaring her kingdom forfeited, her possession of the crown a usurpation, and her subjects absolved from their allegiance. It was evident from these events, that should the English Queen die without issue, a desperate effort would probably be made to place her rival on the vacant throne, and the accession of Mary would of course be followed by the return of popery. To guard against this evil was an object about which the statesmen of Elizabeth are known to have exercised a never slumbering solicitude. To use their own language, it was "the great cause;" nor is the policy of such men as Cecil and Walsingham to be at all understood, without bearing this leading fact distinctly in mind.*

The "great cause," with the statesmen of Elizabeth.

The Catholics treated with greater severity.

The pontiff had severed the bond of allegiance between his partisans in this country and their sovereign; and that sovereign, in return, obtained a statute which made it treason to reconcile any of her subjects to the church of Rome. It even declared that crime to be chargeable on all persons known to be in a state of reconciliation with the papal see, and attached the guilt of misprision of treason to such as should connive at these and similar offences.† An act was also passed by the same parliament,

* Camden. Annals. Murdin's Papers, passim. The conspiracy referred to above, was conducted by parties who descended to solicit the duke of Alva to invade the country, and we must suppose, with the expectation that he would renew the atrocities in England, which have rendered his name so infamous in the Netherlands. Yet Camden relates of the chief of these conspirators, the duke of Norfolk, that it was almost incredible "how dearly he was beloved by the populace," on account of his munificence and affability.

† 13 Eliz. c. 2. This act went so far as to prohibit the introduction of crosses, pictures, or other superstitious things consecrated by the pontiff.

which rendered it treasonable to attempt any impeachment of the Queen's title, and which exposed the parties to heavy penalties who should either print or write in favour of any person as her successor, unless that person should be the issue of her body, or recognized as heir to her crown by authority of parliament. The same consequences were also attached to the conduct of any individual who, without the above qualifications, should prefer a claim to the crown, during the Queen's life.* Mary and her adherents were thus condemned to silence on the matter dearest to their hopes. To violate either of these laws, was not only to brave the serious penalties which enforced them, but to meet a growing feeling of hostility which was now extending itself more or less to all parties. The gravest statesmen, and such churchmen as Archbishop Parker, began, in common with the puritans, to consider the removal of the Scottish Queen as the only measure which could destroy the machinations of their adversaries at home or abroad, since that only could render their prospect of success certainly hopeless.† The lenity of the Queen toward her Catholic subjects, was a part of her policy, in which she was supported, to a considerable extent, by Burleigh. But that wary statesman would have employed the zeal of the puritan as the most appropriate check on that of the Catholic. Elizabeth, however, obstinately refused to act on

More violent temper of all parties with regard to the Queen of Scots.

Advice of Burleigh at this crisis.

* 13 Eliz. c. 1.

† Parl. Hist. pp. 782, 783. Strype, II. 133—135. The Queen professed to appreciate the carefulness and zeal of her subjects, but would not consent, for the present, that the title of the Scottish Queen to the English throne should be "abled or disabled."

CHAP. III. 1558—1603. Different policy of Elizabeth.

this part of his counsel. Her ambitious temper taught her to doubt the prudence of encouraging men whose tenets served to elicit so much discussion on the questions of popular liberty, and led her rather to covet the aids of a priesthood which should direct its influence more to the imagination, than to the reason, of its votaries. These only could be expected to have the conscience of their followers strictly at command, and to be themselves at the command of the sovereign. The object of the English Queen evidently was, to retain the elements of the papal system most favourable to subordination; and to seize the reins of supremacy herself, instead of allowing them to pass into the hands of the pontiff.

Persecution fails to secure tranquillity.

Twenty years, however, had passed from her accession, years chequered with persecution, treason, and rebellion, and the prospect of tranquillity was still receding. The native Catholics found, that to discard the supremacy of the pope, and to obtain those spiritual benefits which the delegates of that ecclesiastic could alone dispense, was impossible. But it was also found that the religion which had availed itself of all the embellishments which art or pageantry could supply, might subsist without them; and that its rites, when practised in the most veiled secrecy, and stripped of their wonted appendages, often appeared as if possessed of a new charm, and one which nothing except suffering in their cause could have given them. When men are obliged to resort to such expedients that they may worship their Maker, it ought to be expected that the secrecies of devotion

Some of its evil effects.

will sometimes lead to the secrecies of treason. Hence the Protestant power of this kingdom, after more than twenty years of ascendancy, continued to be assailed by the artifices of Rome and Spain, who never failed to discover instruments suited to their purpose among the English priests. There was scarcely a province without its emissaries of this class—men, who, with their zeal to strengthen the wavering faith of their disciples, scrupled not to mix more dangerous speculations.* In the parliament of 1581, it was, therefore, considered proper to enact, that all persons absenting themselves from church, unless known to observe the English service at home, should pay twenty pounds a month; and it was afterwards determined, that in default of such payment, the royal officers might seize upon all the goods of the delinquent, and two-thirds of his lands.† Now it was that men began

Severer laws enacted.

Punishment of death inflicted.

* Dodd's Church History, II. passim. Murdin, p. 43.

† 23 Eliz. c. 1. 29 Eliz. c. 6. Sir Walter Mildmay, chancellor of the exchequer, introduced the first of these statutes by some remarks, which show the judgment formed by the commons at this time, respecting the political and the religious state of Europe. "That our most gracious Queen did, at her first entry, loosen us from the yoke of Rome, and did restore unto this realm the most pure and holy religion of the gospel, which for a time was overshadowed with popery, is known of all the world, and felt of us to our singular comfort. But from hence, as from the root, hath sprung that implacable malice of the pope, and his confederates against her, whereby they have, and do seek, not only to trouble, but, if they could, to bring the realm again into thraldom, the rather for that they hold this as a firm and settled opinion, that England is the only settled monarchy that doth most maintain and countenance religion, being the chief sanctuary for the afflicted members of the church, that fly thither from the tyranny of Rome; as men being in danger of shipwreck do, from a raging and tempestuous sea, to a calm and quiet haven." But concerning the pope, viewed as a political antagonist, it is remarked, that "of himself, at this present, he is far unable to make war upon any prince of that estate which her majesty is of, having lost, as you know, many years, by the preaching of the gospel, those infinite revenues, which he was wont to have out of England, Scotland, Germany, Switzerland, Denmark, and others—and now out of France and the Low

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to suffer death on account of their religion, or upon charges of treason which were but imperfectly made out. The accused who was prepared to deny the deposing power assumed by the pope's bull, might probably have saved his life at any period of this reign; but, about 1580, several priests who sought to evade this confession suffered death as traitors; and assuredly such men were dangerous subjects, if subjects they might be called. It came in consequence to be understood among Catholics, that this doctrine was not meant to be imperative any longer than it might be acted upon with advantage to the church. But this reservation, if it conferred tranquillity on certain pliant consciences, served to widen the distance between the whole party and the government.*

Use of torture.

Its illegality. The scandal excited by it.

The use of torture, as a means of extorting evidence, was not unfrequently resorted to in such cases. This practice, so contrary to the laws of England, excited much scandal in this and in other countries. Nor did the apologies issued by the ministers of Elizabeth in their own defence materially assist their pretensions to justice and humanity.† To provide against the desperate feeling which was thus produced, an act was passed in 1584, requiring that every Jesuit, and every priest, should quit the kingdom within forty days, on pain of being called to suffer as a traitor; and any

Banishment of priests and Jesuits.

Countries."—Parl. Hist. p. 814. The pontiff is at the same time described as a formidable opponent, on account of the influence which superstition had given him over the mind and the means of others.

* Hallam, I. 156—159.

† Somers's Tracts, I. 189, 209. The puritans, amid all their hatred of popery, frequently protested against this method of opposing it. They were not willing that the securities of their civil freedom should be sacrificed, even for such a cause.

person concealing the existence of such offenders within the realm, became liable to fines, and to imprisonment during the royal pleasure.* Plots to assassinate the Queen formed the next stage in this bitter controversy, and measures were as resolutely adopted by private persons, and in parliament, with a view to destroy all hope in the partisans of Mary as to her accession, should such a deed be perpetrated.†

Peril of the Queen's life.

State of the Catholic party subsequent to the death of the Scottish Queen.

But the death of the Queen of Scots, a few years later, was an event which nothing but a sense of weakness would have allowed the Catholics of either kingdom to witness in silence and inaction; and the fate of the Spanish Armada rendered the prospect of their return to power still more improbable. During the reign of Elizabeth, and chiefly during the latter half of it, nearly two hundred Catholics suffered death.‡ The Protestant writers of that age repeatedly affirmed, that no one of these persons suffered on account of his religion. It is certain, however, that a very small number of these sufferers were chargeable with those overt acts of treason, of which the law is generally understood to take cognizance. It is, on the other hand, highly probable, that most of them might have obtained pardon, had they been prepared distinctly to abandon the deposing power of their chief.

* Parl. Hist. p. 822. It was provided also by this statute, "That he who should send his children, or any others, to seminaries and colleges of the popish profession, should be fined one hundred pounds; and that those who were so sent thither, should not succeed as heirs, nor enjoy any estates which should any way fall to them; the like for all such as should not return home from the said seminaries within a year, unless they did conform themselves to the church of England."

† Ibid. p. 823.

‡ Butler's English Catholics, I. 178. Hallam, I. 176.

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But this perilous dogma now became the pressing question with the Catholic, as the tenet of transubstantiation had been, in the last reign, with the Protestant. To call men traitors merely for holding an opinion which might some day lead them into treason, and to punish them not so much for what they *are*, as for what they are likely to *become*, may have been sufficiently unjust and impolitic. But the sufferers had little right to complain if they were parties to those measures which had visited an incapacity to receive the crudities of transubstantiation with fine and imprisonments and even death at the stake. Men who would have mere opinion to be a matter of penal regulation, should remember that this sword has two edges, and that it may some day fall upon themselves as keenly as upon their adversaries. The year preceding the accession of James, a proclamation was issued which promised a toleration to such priests as were prepared to swear allegiance to the Queen. There were those who availed themselves of this privilege, to the great displeasure of many among their brethren, and especially of the Jesuits.* But the English Catholics, at this time, had greatly diminished. It is scarcely questionable that they had long since ceased to be the majority. Hence, in prospect of a new sovereign, their expectations dwindled from the notions of supreme power to a mere toleration of their worship. Even in this, also, they were to be disappointed, and in their disappointment were to find themselves without remedy.

* Sir John Harrington attributes this politic measure to the ingenuity of Bancroft. It certainly produced divisions and asperities, which greatly weakened the catholic body.—Nugæ Antiquæ.

CHAP. IV.

ON THE ORIGIN OF PURITANISM.

TENDENCY OF THE RIGHT OF PRIVATE JUDGMENT—IMPERFECTLY UNDERSTOOD BY THE REFORMERS.—EFFECT OF MISTAKES ON THIS SUBJECT.—PROTESTANT EXILES.—PROCEEDINGS AT FRANKFORT.—CONDUCT OF DR. COX AND THE CONFORMIST EXILES.—EXPULSION OF KNOX.

An innocent and a necessary consequence of admitting the right of private judgment, and the sufficiency of the christian Scriptures as a rule of faith and duty, was a difference of opinion as to the degree in which the scriptural standard had been deserted by the Romish church. Obvious, however, as this consequence may now appear, it rarely presented itself to the notice of the reformers without exciting astonishment and displeasure. It was, perhaps, necessary to the zeal with which they were to advocate their favourite doctrines, that they should not be at once aware of results which, however natural and harmless, were so directly opposed to that notion of religious uniformity with which the most enlightened among them were hitherto enamoured. It did not belong to their age to reason justly on the difference which marks the very structure of the human mind; or on the still greater diversities of perception and feeling which must arise from external circumstances, as well as from the peculiarities of individual temperament.

Tendency of the right of private judgment.

Imperfectly understood by the Reformers.

CHAP. IV. 1500—1558.

The reasoning which conducted them to their conclusions was felt to be satisfactory, but there was much that should have saved them from expecting the same effect to flow from the same process of investigation in the case of every inquirer. The unanimity which certainly prevailed with respect to the more important doctrines of religion, called for their gratitude, and should have induced a spirit of forbearance with respect to minor articles, and especially with regard to the very subordinate matters of discipline and worship. It should, perhaps, be added, that the policy of toleration, as a means of weakening or extinguishing opposition, could hardly be learnt, except from one of two sources—experience, or the positive instructions of the gospel; and while experience had not hitherto given its important lessons on this subject to the world, the false glosses upon the sacred text had been so long of greater authority than the text itself, that the most liberal minds were not a little ensnared by them.

Effect of mistakes on this subject

By the English reformers many things were retained as parts of their polity or worship which were known to be of a corrupt, or, at best, of a doubtful, origin.* The motive assigned in favour of such a

* That no few of the reformers, previous to Elizabeth's time, were aware of this, and concerned that such things should be removed, is evident from Neal, I. 157—161. The passages cited by this writer in proof of his statement ought to have silenced the men who describe the puritans of England, at the Queen's accession, as made up of a few returned exiles. Bancroft writes, that while a reformation on the Geneva plan was prosecuted in Scotland in the days of Mary, there were others who "endeavoured, as much as in them lay, to have kindled the like stirs in England."—Dangerous Positions, &c. p. 34. Survey of the Pretended Holy Discipline, p. 34. Among the propositions which this writer has extracted from two books, said to have been published by this party, is the following:—"The authority which princes have, is given them from the people; and upon occasion,

mode of proceeding, was respect for the weakness of the popular apprehension, which could not fail to suffer under a violent transition. The effect was, that a line was drawn which cut off the Catholic on the one hand, and such as were regarded in the light of ultra-Protestants on the other. Two parties were thus formed who were proscribed as enemies to the established religion; but while the dissenting Catholic would certainly have demolished the faith which the state had recognized, the dissenting Protestant sought only its modification, together with a greater abstinence from the use of Catholic ceremonies. But as the ascendant church persisted in ascribing the disaffection of both rather to badness of heart than to its more natural causes, their dissent was viewed as rendering them justly liable to ecclesiastical, and even to civil, penalties. One tyranny was thus substituted in the place of another. The new system may have contained less of error and more of truth than the old, but it was sometimes rendered equally repulsive, in being enforced by men who, while professing to discard the papal doctrine of infallibility, were virtually assuming it. It must at the same time be confessed, that this inconsistency, strange as it is, belongs more or less to all the religious parties of this kingdom, from the commencement of the reformation to the time of the

the people may take it away again, as men may revoke their proxies and letters of attorney." Upon these maxims others are founded, concerning the punishment of delinquent rulers, which are not so objectionable in themselves, as are the examples adduced from the Scriptures in support of them. The doctrine, in fact, which filled Bancroft with horror, is no other than that which has since commended itself to the genius of Milton, Sidney, and Locke.

CHAP. IV. 1500—1650.

Commonwealth.* By slow degrees some men became more enlightened on this point than others, and even in the worst times all religionists were not capable of proceeding to the same measures of violence in support of their creed; but reviewing our ecclesiastical history, it would seem that to extort a general acknowledgment of the guilt and inefficacy of persecution, it was necessary that every form of polity which had been animated by intolerance, should be allowed to bring upon itself the humiliations and oppressions which it had inflicted upon others. Catholicism, Episcopalianism, and Presbyterianism have each had their season of ascendancy, and all have been persecuting. In the day of their power they were successively admonished to forbear, but they refused to profit by entreaty or rebuke, and they were brought in their turn to the feet of the persecuted. They proclaimed intolerance as a virtue; they practised

* Thus, in the parliament of 1571, Mr. Strickland, whom the reporter describes as "a grave and ancient man of great zeal," is introduced as contending for the practice of obliging Catholics to join with Protestants, in partaking of the communion at their parish church, and as observing, that "the Israelites were constrained to eat the passover; and that it was no straitening of their consciences (the Catholics), but a charge or loss of their goods, if they could not vouchsafe to be, as they should be, good men and true Christians." This was in reply to some remarks of Mr. Aglionby, as to the impropriety of "forcing conscience." The objector, however, was not satisfied with a reply which involved the sophistical assumption to be found at the bottom of all persecution. When the bill on this subject came to be read a second time, he spoke thus:—"That there should be no human positive law to enforce conscience, which is not discernible in this world. To come to the church, for that it is public, and tendeth but to prove a man a Christian, is tolerable and convenient; and not to come to a church may make a man seem irreligious, and so no man; for that by religion only a man is known and discerned from brute beasts; and this is to be judged by the outward show. But the conscience of man is eternal, invisible, and not in the power of the greatest monarchy in the world, in any limits to be straitened, in any bounds to be contained; nor with any policy of man, if once decayed, to be again raised. He shewed that neither Jew nor Turk do require more than

what they taught; and they had their reward. Violence produced violence; and the parties who resorted to it most, were to suffer from it most. It was in the school of no common adversity that those maxims of forbearance were acquired, which now influence the conduct of the secular and spiritual authorities of these kingdoms.

Protestant exiles.

During the reign of popery, under Philip and Mary, many disciples of the reformed faith escaped to the continent. Among these were laymen who had borne the honour of knighthood, several hundred learned men, and some who had filled the episcopal chair. In France, and in the Netherlands, and especially in the principal towns of Switzerland and Germany, the exiles sought and found an asylum. By their brethren of the reformed churches they were generally received with the warmest sympathy. Instances, indeed, there

the submission to the outward observance, and a convenient silence, as not to dislike what is publicly professed; but to enforce any to do the act which may tend to the discovery of his conscience, is never found. He shewed the difference between coming to the church, and receiving the communion; the one he allowed to be comprehensible in law, the other he could not allow. And in answer to that which before had been said, that the conscience was not straitened, but a penalty of the loss of their goods only adjudged, whereof no doubt, the law of God and the law of nations had given to the prince an absolute power; he said to this, out of 'Cicero de Legibus,' that man, out of his own nature, is to care for the safety of man, as being reasonable creatures, and not the one to seek to bereave the other of his necessary livelihood; adding out of this same book this saying of Tully, 'Qui Deum non curat hunc Deus ipse judicabit.' He shewed out of St. Paul, that we must not do ill that good may grow thereby; we must not take from him that is his, to the end thereby to make him to do what is not in his power; to be fit for so great a mystery God above of his free gift may (must) make a man.—He said, there was no example in the primitive church to prove a commandment for coming to the communion, but an exhortation. He said, St. Ambrose did excommunicate Theodosius, and forbid him to come to the communion, because he was an evil man. And for us to will and command men to come, because they are wicked men, it is too strange an enforcement, and without precedent."—Parl. Hist. I. 739, 763.

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were, in which the disciples of Luther betrayed the very temper of the usurpation which their master had so daringly opposed, raising the cry of persecution against the strangers as enemies to the doctrine of consubstantiation—a dogma scarcely more intelligible than the mass of the Catholic.* Indignant, however, as the English Protestants who were exposed to this treatment may have felt, something, unhappily, of the same spirit was soon to become observable among themselves.

Proceedings at Frankfort.

At Frankfort the controversy arose which gave existence to the party, and to the name, of *Puritans*.† The exiles who were received into that town obtained the loan of the church which the French Protestants had erected there. The conditions were, that they should subscribe to the French confession of faith, and conform, as far as their consciences might allow, to the French service. With the consent of the proprietors of the building, and of the civil authorities, it was unanimously resolved, that the litany, the surplice, and many other things imposed in the English rubric, should be omitted as things out of place in a reformed church. The established service was accordingly to consist in a confession of faith, and to include a sermon which should be preceded and followed by singing and prayer, the psalmody being conformed to the most simple model, and the devotional exercises

* Strype's Cranmer, p. 354.

† There were many, as we have noticed, who had embraced the sentiments of puritanism from a much earlier period; but it was at Frankfort that circumstances arose, to place these persons in the attitude of a party. Mr. D'Israeli, with his usual fidelity on this subject, limits the puritanism of the clergy under Edward VI. to Bishop Hooper.—Commentaries on the Life and Reign of Charles I., III. 214. See Neal, I. 155—158.

being understood to include a supplication for the good of all estates, and especially for that of England. In the ministration of the sacraments also, sundry things were, by common consent, omitted as superstitious and superfluous.* Having elected persons to officiate for a time as the ministers and deacons, a letter, fraught with christian sentiment, was addressed by the brethren to their countrymen who had found a refuge in other cities, urging their removal to Frankfort, where, united under the protection of a magistracy particularly friendly, they might strengthen each other's hands, and be prepared to act with more efficiency in furtherance of their common interest. "Consider, brethren," they write, "it is God's cause, he requireth you, it is your duty, necessity urgeth, time willeth, your Father speaketh, children must obey, our enemies are diligent, and the adversary is at hand." The correspondence thus commenced, referred chiefly to the English refugees at Strasburgh and Zurich. But the men of Frankfort were admonished in reply, that it became them to follow the same order of service concerning religion "which was in England last set forth by King Edward," and were assured that the persons to whom they had written would neither use nor admit any other. It was alleged that, "by varying from that service, they would give occasion to their adversaries to charge their religion with imper-

* All we know of these proceedings, is derived from a narrative, first published in 1575, entitled, "Troubles at Francfort." It is written by a puritan, but with so much of fairness, that even Bancroft, who was contemporary with its publication, has left its integrity unimpeached.—Survey of the Pretended Holy Discipline, pp. 35—37. It may be seen also, in the collection of Tracts, intitled, "Phœnix Britannicus." The remaining part of this chapter is founded on this document.

CHAP. IV. 1553—1558.

fection and mutability, and would condemn their brethren in England, who were then sealing it with their blood." To these representations the brethren at Frankfort replied, that they had obtained the liberty of a place of worship upon condition of their accommodating themselves as much as possible to the form used by the French church; that there were a number of things in the English service book which would be offensive to the Protestants among whom they resided, and which had been occasion of scruple to conscientious persons at home; that by the variations which they had introduced, they were very far from meaning to throw any reflection upon the regulations of their late sovereign and his council, who had themselves altered many things, and had resolved on greater alterations, without thinking that they gave any handle to their popish adversaries; and still less did they mean to detract from the credit of the martyrs, who, they were persuaded, shed their blood in confirmation of more important things than mutable ceremonies of human appointment.*

* M'Crie's Knox, I. 144, 145. Mr. D'Israeli's account of this affair, suggests that no sort of concession was made by the puritan party. The communications also noticed above, are described as taking place between the nonconformists at Frankfort, and some conformist brethren, who had come by invitation to join them. But the fact is, the greater part of this correspondence, and indeed all of it that is known to us, took place by letter. The brethren at Strasburgh and Zurich deputed two of their members to bear some of their later communications, but finally refused to join their brethren at Frankfort, unless allowed the "full use" (p. 14.) of the common prayer. Up to this time there were no divisions in the church at Frankfort; all their solicitude related to their brethren in other cities, whom they were anxious rather to serve than offend. Knox is also described by this writer as calling the Common Prayer of the church of England, "a mass book." His words are, that it contained things which, "in the mass, had been wickedly abused." (P. 22.) Fuller's account of this affair is accurate and candid.—Book VIII. p. 28.

This reply, though it somewhat softened the opposition of their brethren, failed of its object, and the infant church at Frankfort proceeded to invite the celebrated John Knox, then at Geneva, to become their pastor. In several subsequent letters these difficulties are reasoned upon, but without effect; and the society, wearied by these delays, requested that the communion service should no longer be deferred, and that it should be administered after the manner of Geneva. Knox questioned the propriety of acting upon this proposal without still further consultation with the brethren at Zurich and Strasburgh, and in some other places; adding at the same time, that if the eucharist must be observed according to "the book of England," he must be allowed to resign his charge, or to restrict his labours to the office of preaching. An intermediate plan was then suggested, the principal effect of which was to induce an appeal to the judgment of Calvin. The answer of that reformer was more remarkable for its candour than its severity, but it served to confirm the opposition to the English formularies. An order of service was at length adopted to be in force until the following April; "some part taken forth of the English book, and other things put to as the state of the church required."

Conduct of Dr. Cox and the Conformist exiles.

This arrangement was scarcely agreed to, when Dr. Cox, a divine whose ardour in the Protestant cause had procured him considerable esteem, appeared, with certain of his followers, at Frankfort. These strangers had come immediately from England, and they commenced an opposition to

CHAP. IV. 1553—1558.

the new service adopted by their countrymen, which was scarcely less violent than what they had manifested with regard to the yoke of the pontiffs. The service-book of Edward the Sixth was declared to be the only directory of worship that should be known among the subjects of the English crown, whether at home or abroad. Accordingly, on the first sabbath after their arrival, the doctor and his friends ventured to disturb the order recently established, by delivering audible responses after the minister. Expostulation was fruitless. On the sabbath following, one of their number took possession of the pulpit, and there read the discarded litany; the rest performing their part of the service as members of the congregation. In the afternoon of the same day, Knox, as the pastor of the church, delivered the usual lecture, and adverted to these disorderly proceedings in terms of reprobation, which were not more severe than the occasion required, dwelling upon the childish vanity of supposing every thing approved by the Anglican church to be necessarily perfect. To the generosity of that reformer, Dr. Cox, and his followers, were mainly indebted for permission to vote with the previous members of the church in some subsequent proceedings. Their conduct discovered, that bigotry, the great foe of truth, is the foe of all ingenuousness. The influence thus obtained was immediately employed to injure the man by whose magnanimity it was bestowed. The expulsion of Knox and his followers from Frankfort became the object of the party opposed to him. A majority being obtained against the

Geneva service, that reformer was forbidden "to meddle any more in that congregation;" and this rude injunction failing of its design, his authority was assailed by still more questionable means. CHAP. IV. 1553—1558.

It was known that while in England, soon after Mary's accession, and before her marriage with Philip, the reformer had published a book, intitled, "An Admonition to Christians," in which the Emperor, as the chief support of papal idolatry, was compared to Nero. This little work was now produced by his enemies, who descended to found upon it a charge of uttering treasonable words.* The magistrates of Frankfort, as subjects of the Emperor, could not be inattentive to this serious accusation. They are described as perceiving the baseness of the whole proceeding; and to avoid the necessity of any further notice of the affair, they apprised the reformer that his removal from the place of their jurisdiction might be on his own account desirable. His departure, and the arrival of other exiles, reduced the puritan members of the church to the necessity of forsaking the spot, or of conforming to practices which they had agreed to abandon. One little company, among whom was Fox, the martyrologist, removed to Basil; those who went to Geneva became part of the church over which Knox presided for some time in that city. On the decease of Mary, most of these exiles returned, and the matters of dispute at Frankfort, became the ground of contention with the great body of the English Protestants. Expulsion of Knox.

* This affair has fixed an indelible stain on the character of Cox and his adherents.

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In attempting to form a judgment of this controversy, as it existed during the long reign of Elizabeth, there are many contemporary circumstances which deserve to be seriously weighed. The notices relating to it in the following chapter, can only exhibit its leading facts.*

* The following is the notice of the disputes at Frankfort, in The Book of the Church. "There had been a dispute among the emigrants at Frankfort during Mary's reign; it had been mischievously begun and unwarrantably prosecuted, and its consequences were lamentably felt in England."—(II. 289.) The mischievous and the unwarrantable in this statement are meant, of course, to apply to the nonconformists, but upon what ground it is difficult to conjecture. The following extract from Fuller, whose honesty and good-nature Dr. Southey has often praised, affords a more just view of the case. The historian has remarked, that the church at Frankfort was larger than any other formed by the exiles; that the place, moreover, possessed many advantages as a centre of action, and that the dismissal of the English service-book was a condition of occupying the French church. "Thus settled," he observes, "their next care was to write letters to all the English congregations, to invite them with all convenient speed to come and join them. This is the communion of saints, who never account themselves peaceably possessed of any happiness until (if it be in their power) they have also made their fellow-sufferers partakers thereof. However, this their invitation found not any great entertainment among the other English church-colonies—those of Zurich (who were the most considerable), were resolved no whit to recede from the liturgy used in England under the reign of Edward VI., and except those of Frankfort would give their assurance, that, coming thither, they should have the full and free use thereof, *they utterly refused any communion with their congregation.*"—Book VIII. p. 28. On which side the mischievous and the unwarrantable lay, in this proceeding, the reader will judge.

CHAP. V.

ON THE STATE OF THE PURITANS TO THE DECEASE OF ELIZABETH.

POLICY OF ELIZABETH TOWARD RELIGIOUS PARTIES.—DIFFERENT VIEWS OF THE PURITAN CONTROVERSY.—PARTIALITIES ON BOTH SIDES.—TOLERATION OF NONCONFORMITY.—PARKER'S SEVERITIES.—SEPARATIONS FROM THE ESTABLISHED CHURCH.—CARTWRIGHT.—GRINDAL.—WHITGIFT.—THE BROWNISTS.—NUMBER OF THE PURITANS DURING THIS REIGN.—THE CLERGY.—THE LAITY.—INJUSTICE OF THE POLICY ADOPTED TOWARDS THEM.—THEIR DEFECTS.—THEIR EXCELLENCIES.—CECIL'S ESTIMATE OF THEIR CHARACTER.—TENDENCY OF ELIZABETH'S CONDUCT WITH REGARD TO THEM.

CHAP. V.

1558—1603. Policy of Elizabeth toward religious parties.

We have seen that the conduct of Elizabeth toward her catholic subjects, has left her admirers some serious difficulties to explain. But her policy in relation to the puritans has preferred a much larger demand on their ingenuity. She was the adversary of both, and nothing but their unconquerable aversion to each other could have saved her from the control of their united strength. It will hardly be pretended that there was any comparison to be made between the loyalty of the two parties; but it is no less evident, that the puritans, who were the chief stay of her throne, as a Protestant sovereign, were at a farther distance from her favour than the partisans of Rome. The latter, amid all their conspiracies against her crown and her life, retained some qualities which linked them into a closer connexion with her sympathies.

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1558—1603. Different views of the puritan controversy.

According to one class of writers, the case of the puritans is very simple, and in no way disreputable to her Majesty. The Queen, it is said, was not only a sincere Protestant, but was prepared to brave the greatest dangers in the cause of the reformation. Her conduct with respect to the church was the wisest that could have been adopted, as it consulted the prejudices and the claims of the whole, in preference to those of a part. The puritan theory, on the contrary, was by no means suited to the general aspect of religious parties, and, as the object of the puritans was not the mere toleration of their own peculiarities, but the exclusive establishment of them by the sword of the magistrate, the conduct of the Queen and of the prelates, in allowing them to indulge in many of their humours for a considerable time, is worthy of the highest praise. And if other measures were at length had recourse to, it was not until disorders which threatened the overthrow of the church and of the constitution, had rendered them necessary as the means of self-preservation. Such is the substance of Bishop Maddox's reply to Neal. Surrendering ourselves to the guidance of this prelate, we shall believe, that the conduct of the Queen, of Parker, and of Whitgift was generally lenient, never unjust, and that nothing but the most insolent and seditious proceedings on the part of the dissatisfied, could have brought upon them that coercive discipline, which was so foreign to the nature of their rulers.*

* Such were the views of Bancroft, and Mr. D'Israeli has adopted them to the letter. This writer has a constant propensity, not only to make every violent man in an obnoxious party a specimen of the whole, but, as occasion

But to this view of the case it is replied, that if the sincerity of Elizabeth's protest against the political delinquencies of popery be admitted, her dissent from any thing very material in its theology and modes of worship may be seriously doubted. To swell the number and power of the Catholics at the period of the Queen's accession, and to represent the puritans as a small and feeble party, is likewise objected to as an old artifice, and as one which must always betray a shameful want of information, or an indifference to truth. It is also affirmed that the fixed protestantism of the more efficient, if not of the more numerous portion of the people at that crisis; of many in the first council of Elizabeth; and of others among the more influential of the scholars and clergy—was such as have justified a more complete reformation. Hence it is concluded that the retrograde movement of the Anglican church under this Queen, when compared with its state under Edward; and its very imperfect renovation in most things, when compared with the reformed churches of the continent; are not to be traced to the temper of the times, but to the temper of the sovereign, aided as

serves, can impute the sins of the fathers to the children; and, by a sort of prescience, can even attach the guilt of children to their parents. Thus he knows what the puritans "designed to do," under Elizabeth, from what their descendants "did," some "sixty years" afterwards, under Charles I. This is about as rational as to conclude, that every thing which Buonaparte did as emperor of France, must have had its place in his plans as a lieutenant in Italy. But there are occasions on which this gentleman can reason differently: "Who could have foreseen," exclaims Mr. D'Israeli in another chapter, "that some pious men, quarrelling about the service-book of Edward VI. and the square caps and rochets of bishops, should at length attack bishops themselves, and by an easy transition from bishops to kings, finally close in the most revolutionary democracy?" Thus there is a time to see, and a time not to see.—Commentaries, III. 223, 251.

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it was by the pontifical power involved in her supremacy, and by the timidity of certain dignified ecclesiastics and statesmen, who, to avoid the frown of their mistress, proved unfaithful to themselves. The prayer of the puritans too, did not extend, for some time, to an establishment of their discipline, but simply was, that observances which the ruling clergy admitted to be indifferent, might not be insisted on as necessary. During the first seven years of Elizabeth, the reasonableness of this claim was indirectly acknowledged. But at the close of that period, all connivance was abandoned; and it is contended that the ominous character which the controversy subsequently assumed, arose principally from the measures which were then adopted. The doctrine of the prelates respecting the church of Rome, as being a true church of Christ, came to be regarded with suspicion, and, at length, with abhorrence; the practice of appealing to the Scriptures as a rule of faith only, and not as a directory of discipline, was more loudly censured; the statute which was so explained as to invest a single person, aided by certain commissioners, with power to decide on all articles of faith and all matters of ecclesiastical regulation, for a whole kingdom, proved increasingly unpalatable; and finally, the disposition evinced to regard the age of Constantine, as presenting a better model of Christian polity and worship, than that of the apostles, excited a more manifest indignation, and produced a settled conviction that the battle to be fought was for the institutions of heaven, as opposed to the devices of men, and for the liberties of the

Christian church, as assailed by the despotism of civil power.

Partialities on both sides.

So varied, and so opposite, are the sentiments with which this memorable controversy is regarded by the two great parties who continue to trace their divergence to the age of Elizabeth. If it be objected to the above language, as employed by the advocates of the puritans, that it fails to place the more obnoxious tenets of that body in due prominence, what shall be said of that adopted by their opponents, which would seem to exhibit the hierarchy, either tacitly or otherwise, as spotless in all its proceedings? There are still dissenters, who can with difficulty suppose that the hatred of Rome, so honourable to their puritan fathers, was sometimes allied to the worst element of popery—a spirit of intolerance. And it is quite as certain, that there are still episcopalians, who will hardly admit that the wisdom of church and state may be combined, and the union fall greatly short of infallibility. But these fond illusions are passing away. The informed and the impartial, who are alone qualified to judge on subjects of this nature, will not scruple to acknowledge that the league between the priest and the magistrate, whatever name may have been employed to sanctify it, has too often been little better than a refined conspiracy against human liberty; and that there have been sectaries who, while eloquent and fearless in asserting their own freedom, have been no less eloquent, and no less determined, in denying that to others which they have claimed for themselves.*

* Knewstub, a puritan, whose name we have already cited as of some celebrity during this reign, wrote a book, to expose the extravagancies of a

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1558—1565. Toleration of nonconformity.

Seven years passed from Elizabeth's accession before the Act of Uniformity was strictly enforced. It was so far acted upon as to be the means of preventing a great number of the more scrupulous among the clergy from obtaining preferment, and thus of suspending the exertions of many efficient preachers at a time when they were particularly needed. But as there were catholics who were allowed to enjoy their freedom and their livings without taking the oath of allegiance, and even without performing any part of their official duty, so there were instances in which puritans were permitted to retain their cures, notwithstanding their defective conformity to the established ritual.

sect founded by one Henry Nicolas, and called "The Family of Love." This work is dedicated to the earl of Warwick, a member of the privy council; and that nobleman is called upon, in the following language, to employ his authority as a magistrate, in rooting out the heresy against which the writer has been directing his polemical skill. "With what care and conscience such matters are to be dealt withal, that which is read in Deut. xiv. may sufficiently direct your honour. Where it is plainly declared, that if any shall secretly entice unto a strange religion, either friend, husband, or brother—the nearest bonds that nature or friendship hath—they stand charged not only to reveal it, but also that their hands shall be first upon them to put them to death. To betray the secrets of a dear friend, who is to a man as his own soul, seemeth to flesh and blood a heinous matter. To deal so with a man's brother, the son of his mother, or with his daughter, the bowels of his own body—the law of nature doth cry out against it. And yet, for the glory of God, we are not only, in such a case, to reveal this against them, but ourselves to be the chief doers in the death and execution of them, which telleth us, that at the bringing in of idolatry, and a strange religion, how secretly soever the seeds thereof shall be sown, rather than by neglecting thereof God's glory should be defaced, and the danger that is due for the neglect thereof should be sustained, we are not only to lay aside natural affection, but even to break into our own bowels, and to bathe ourselves in our own blood."—A Confutation of Monstrous and Horrible Heresies, taught by H. N. 1579. Epist. Ded. This passage not only exhibits the severe intolerance which animated some of the puritans, but a specimen also of that false application of Old Testament scripture, by which it was unhappily nourished. Our religious obligations are as paramount as here represented. The error is in appealing to a political rather than a moral influence. Whatever is said in excuse of this error, as acted upon by the ruling clergy, will apply to the case of Knewstub.

While some rejected the popish vestments, others administered the communion service to persons who, refusing to kneel, merely sat or stood before the table; and others performed the rite of baptism, in some instances with the sign of the cross, in others without it, sometimes before the font, and sometimes from a basin.*

Parker's severities.

Thus it continued from 1558, the year of the Queen's accession, to 1565. But at the close of this interval, many of the most distinguished nonconformists were deprived of their preferments, among whom were Sampson, Dean of Christchurch, and Humphrys, Regius Professor of Divinity in Oxford, and President of Magdalen College. Archbishop Parker had flattered himself, that in thus extending the severity of his commission to the leaders, he should intimidate the rest, and induce obedience. The ministers of the metropolis were accordingly summoned to appear before the commissioners. About a hundred obeyed the summons, and a man, canonically apparelled, being placed before them, they were commanded to declare themselves willing to conform to the use of the vestments thus exhibited, and to make such declaration instantly, on pain of contempt, of immediate suspension from their livings, and of deprivation at the end of three months. Every third man refused, and the primate was constrained to acknowledge, that the nonconformists of that day were men distinguished by learning and efficiency to which those of their opponents bore little comparison.†

* Life of Parker, pp. 152—157. App. 43.

† The bishop's chancellor addressed the assembly in these words—"My masters, and ye ministers of London, the council's pleasure is, that strictly ye keep the unity of apparel, like this man who stands here canonically

CHAP. V.

1558—1583. Separations from the established church.

Harassed by these proceedings, some of the deprived ministers and their followers ventured to hold private meetings for conference and devotion; and in 1567, a company of about a hundred persons was surprised while engaged in such exercises, in a place called Plummers' Hall. Many were committed to prison, where between thirty and forty of their number, including seven women, were confined more than twelve months. These were the first English Protestants who were so punished simply on account of dissent from the discipline of the established church. Three years later,

Cartwright.

Thomas Cartwright, the Lady Margaret's Professor of Divinity in Cambridge, attracted the attention of the government, as the leader of a class of

1570.

puritans who had learned to extend their objections from the worship of the church to its polity, demanding such a reform of its government as would have rendered it rather presbyterian than prelatical.

In consequence of these bolder pretensions, the laws against nonconformity, and conventicle assem-

Grindal.

blies, were enforced with new rigour. Grindal, who succeeded Archbishop Parker in 1575, was opposed to such severities; but Whitgift, who

Whitgift.

became primate in 1583, was of another temper. By his zeal, many hundreds of the most exemplary

habited, with a square cap, a scholar's gown priest-like, a tippet, and in the church a linen surplice. Ye that will subscribe, write *volo*; those that will not subscribe, write *nolo*—be brief, make no words." Some attempt towards expostulation was made. But the same person exclaimed, "Peace, peace—apparator—call over the churches, and ye masters answer presently, *sub penas contemptus.*" The effect was as stated in the text.—Life of Grindal, p. 98. Strype's Annals, p. 463. Life of Parker, p. 215. This mixture of severity and insolence was expected to provoke a clamorous opposition, but the sufferers conducted themselves with meekness, and thus, for the present, evaded the snare which appears to have been laid for them.—Life of Grindal p. 242. Life of Parker, p. 342.

among the clergy were deprived of their livings, not a few of them being thrown, with large families, upon the charity of their countrymen. In 1590, it was found that the end proposed by these measures, was far from being accomplished. That year, Cartwright and others of his party, were brought before the high commission court, and refusing to take the oath *ex-officio*, which, contrary to law, would have bound them to become accusers of themselves or of their friends, at the pleasure of their judges, they were committed to the Fleet prison.* In 1593, the parliament was, by some means, induced to go beyond all these examples, and to declare that every person, above the age of sixteen, who should refuse, during one month,

* These rigours are thus noticed in a private document of the time:—"Our church, of late, hath been much troubled about matters of government; and the labouring and striving to bring on an uniformity, doth cause, and is further likely to make, a wonderful desolation and deformity among us. The best preachers, and faithfullest in their calling, are cast into prisons, sometimes being close shut up from the speech and company of their dearest friends, being degraded and deprived of their livings and calling, some having six or seven children, whom the charity of our clergy pillars send a begging for any thing they do unto them. Mr. Cartwright is, I think, to honour him, cast into the Fleet. Mr. Feene, of Coventry, a man of rare gifts, into the Clink, with many more. Udal, a profitable preacher of Kingston on Thames, is condemned, and hath judgment given upon him to be hanged, for a book called, 'A Demonstration of Discipline,' which they labour much to have him confess to be of his doing, having before condemned him as the author. I can see nothing else but a way preparing to bring in popery, for atheism is in already, and in a short time will overthrow the land. It is said, that there hath been tampering about a general subscription throughout the land, not only of the ministry, but of all who bear any public office, that the authority of our bishops is lawful by the word of God, and that it was brought to my Lord Treasurer to subscribe to it, who should snub it, saying, that it is lawful by the positive law, but to say it is lawful by the word of God, that is another matter, and so there it stayeth. How long it will there rest God knoweth."—A letter to Anthony Bacon, in Birch's Memoirs. Sir Walter Raleigh is said to have interceded successfully for Udal, who had been described to the Queen as one of a party having "no church, no ministers, no sacraments." The prisoner was allowed to undeceive her majesty on these points.—Ibid.

CHAP. V. 1558—1603.

to attend his parish church, should be banished the realm; and that any such offender returning without licence, should suffer death as a felon.*

The puritans, during this reign, did not often separate from the worship of the church, they rather deprecated such a practice as schismatical; but the act of 1593 fell with peculiar weight on catholic recusants, and on the numerous sectaries who had become strictly dissenters from the establishment, under the name of Brownists. Of these, many were doomed to imprisonment and exile. Their sentiments on church government were in substance those of the modern independents; and purely on account of publishing doctrines which would have placed the church free from the control of the state, and, at the same time, have left the state equally free from the control of the church, men were made to die the death of traitors. Barrow, Greenwood, Thacker, and Copping, were thus butchered, and for such a cause.†

1594. Brownists.

* Parl. Hist. p. 863.

† These exiles published a confession of their faith about this time, (1598), and addressed it to "The Reverend and Learned Men, Students of Holy Scripture, in the Christian Universities of Leyden, in Holland, of St. Andrews, in Scotland, of Heidlebergh, Geneva, and other the like famous schools of learning in the Low Countries, Scotland, Germany, and France." The confession consists of forty-five articles, supported by numerous texts of scripture. The preface to the Christian Reader concludes thus:—"But because we have been very grievously slandered in our own nation, and the fruit thereof hath followed us into this land, whereby we have been hardly deemed of by many without cause, we have been forced at length to publish this brief but true confession of our faith, for the clearing of ourselves from slander, and the satisfying of many who desired to know the things we hold. Wherein, if in any thing we err (as who is so perfect that he erreth not?) we crave, good reader, thy christian brotherly censure and information, promising always, through the grace of God, to yield to the truth when it shall be further showed us, and leave our errors, when, by the light of his word, they shall be reproved. In like manner it shall be thy part and duty to acknowledge and submit unto the truth, by whomsoever it is professed,

While Elizabeth lived these proceedings continued to be the occasion of murmuring and strife, extending from the cabinet to the senate, and from the senate to every part of the kingdom.

Number of the puritans during this reign. The clergy.

No small odium was attached by this means to the memory of certain leaders among the religious conformists of that age. To diminish this as much as may be, it is still common to represent the puritans, both among the clergy and laity, on the Queen's accession, as an unimportant faction, and to speak, in consequence, of their demands with respect to a further reformation, as indicating a presumption and arrogance of temper which called for severe restraint. But however frequently, and however confidently, this representation may have been made, it is certain that the greater, and much the more intelligent portion of the Protestant population of this kingdom, in the early days of Elizabeth, were puritans, or, at least, persons who were desirous that the ritual of the church should be cleansed to a greater degree from the admixture of papal observances The first convocation of the clergy in this realm was in the fourth year of the Queen. In that assembly it was no secret that the primate and Elizabeth were strongly opposed to any change in the ceremonies of the church. Some warm debates, however, arose on

looking always rather to the preciousness of the treasure itself, than to the baseness of the vessels that contain it, or the infirmities of those who witness the same, in whose mortal bodies thou shalt see nothing but the marks and dying of the Lord Jesus." The persecuted generally learn to plead for toleration, even while themselves professing a creed of the most intolerant tendency. But there was much in the principles of this injured people serving to cherish the equitable temper of which the above extract is descriptive. Its modesty is in singular contrast with the dogmatism of the times. We shall examine this document further in a subsequent chapter.

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that subject, and a motion to dispense with the matters usually objected to by the puritans, as the popish apparel, the cross in baptism, and kneeling at the sacrament, was lost by one voice only, the division being as fifty-nine to fifty-eight. Nearly half also of this minority were from the ranks of the dignified clergy.* The reader has seen, that every third man among the clergy of London resolved to suffer deprivation rather than comply with certain of the established formularies; and from this fact it may be safely concluded, that more than half of that body, if not sufficiently zealous to suffer in the cause of a purer worship, were really concerned to see it adopted.† It has accordingly been remarked, by a writer who is himself no puritan, that "in the earlier years of Elizabeth, the advocates of a simpler ritual numbered the most learned and distinguished portion of the hierarchy." But it is also stated, and with equal truth, that though Parker stood nearly alone on the other side, he became "more than an equipoise in the balance, through his high station, his judgment in matters of policy, and his knowledge of the Queen's disposition."‡

The laity.

If the puritans certainly formed the most influential, though not perhaps the most numerous division of the clergy, when Elizabeth became Queen —what was their proportion found to be among the laity? From the records of the house of commons, during this reign, imperfect as they are, it is evident

* Neal, I. 146—152. Strype's Ann.

† There is some difficulty in reasoning on such a point from the cities and towns to the provincial districts. The vote of the convocation is important in this respect.

‡ Hallam, I. 193.

that a similar relation of parties existed in that assembly. The catholic could only appear there in disguise, and the puritan phalanx became in consequence so powerful, that to keep them in tolerable subjection never failed to require all the skill and firmness both of the Queen and her ministers. Elizabeth cherished no part of her authority more fondly than that which related to the affairs of the church; but the terrors of her power were repeatedly braved by men who insisted on the right of parliament to examine ecclesiastical grievances, and to redress them. It has appeared that the ceremonies retained by the convocation of 1562 were retained by means of a single vote. But it is worthy of remark, that when the matters thus approved were presented to the legislature some time afterwards for its sanction, the commons passed by the regulations concerning worship and discipline, and limited their assent to the articles of faith—a point in which conformists and nonconformists were then agreed.* The commons, in which the puritans predominated, with scarcely any variation throughout this period, must be supposed to have represented the feeling of the nation no less, or rather more accurately, than in later times. Ecclesiastical reform, which a majority in that house appears to have been always zealous to promote, was known to be desirable in the esteem of a majority among their protestant brethren through the country—including in that number such persons only as had shown a sincere preference in religious matters. Parsons, the Jesuit,

* Parl. Hist. p. 790.

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who had no inducement to falsify in such a statement, and whose account is confirmed by many better authorities, has remarked, " The puritan is more generally favoured throughout the realm with all those which are not of the Roman religion than is the Protestant, (conformist) upon a certain general persuasion that his profession is the more perfect, especially in great towns, where preachers have made more impression on the artificers and burghers than on the country people. And among the Protestants themselves, all those that were less interested in ecclesiastical livings, or other preferments depending on the state, are more affected commonly to the puritans, or easily are to be induced to pass that way, for the same reason."* It is, indeed, scarcely questionable, that the strict adherents to the Anglican church, were a much less numerous body than either the puritan or the catholic, and that the weak continued to prevail over the strong, partly through the mutual jealousy of their opponents, but chiefly through the influence of the Queen.

Injustice of the policy adopted toward them.

The puritans are not therefore to be charged with arrogance and presumption, in regarding their conscientious scruples as deserving the serious attention of the government. It was, perhaps, important, at least for a time, to endeavour to win over the catholics by avoiding any unnecessary departure from what their prejudice had rendered sacred. But upon the same principle, something should have been done to meet the objections of the body directly opposed to them,

* Doleman's Conference, p. 242.

and who, if less numerous, were hardly less powerful. This was particularly the case during the latter half of this reign, when the catholics had declined, and the puritans had increased in nearly the same ratio, but when the latter party was treated with a severity before unknown.

Their faults, however, were not few. Their language was frequently intemperate, and their conduct, in many instances, seriously imprudent. Upon these particulars their adversaries have been able to found some extenuation of the measures adopted against them. In the esteem of the puritan, the papist was an idolater, and to tolerate his worship was to partake of his sin. As the consequence of this maxim, the puritans would have directed a persecution against the adherents of the Romish church, even more severe than that which was inflicted by the Queen's government. While complaining loudly of the tyranny which refused to dispense with certain ceremonies in their favour, they would have congratulated themselves as doing a most virtuous deed in denying the smallest liberty of worship to nearly half the kingdom. The magistrate, they contended, was bound to protect the church and the state; though it appeared in practice, that, in relation to ecclesiastical affairs, his injunctions were to be observed only so far as they might be thought agreeable to the will of God. This important exception in the creed of the party became well known, as soon as the sword of the magistrate began to be employed against themselves. Then it was, also, that the same men began to broach those senti-

Their defects.

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ments respecting the limits of the civil and ecclesiastical powers, which went very far toward making the temporal authorities servants of the spiritual,—adopting, in fact, the worst doctrine of that popery which they had professed so much to hate and despise. Causes scarcely less numerous than those attached to the spiritual courts during the middle ages, would have been attached to the presbyterian consistories now projected, whose spiritual censures were to be connected with civil penalties, which, in their consequences, would have been materially opposed both to the independence of the governing, and to the liberty of the governed. The elements of this theory, and those of the system which the legislature had adopted, were in substance the same; and a candid mind must, I think, acknowledge, that the struggle between the three great parties was not, in fact, so much to establish any new principle of polity, as to determine who should possess the ascendant.*

Their excellencies.

If it could be shown that the temper and language of the Mar-prelate tracts were those of a large number among the puritans, the movements of such a body could not be regarded with indifference by any wise government.† It

* Had the later puritans possessed the means of enforcing their discipline, it is hardly doubtful that prelatists and separatists must have conformed, or have worshipped in secret. We have seen that the obscure people, who describe themselves as "unjustly called Brownists," separated from the established church on the broad principle, that the coercive power of the magistrate should not be employed with respect to religion, save to protect the peaceable in the free exercise of their worship. Yet the people, whose main principle afforded so strict a security for the tolerance of their conduct, were those whom all parties agreed to persecute with the greatest severity.

† Martin Mar-prelate thus speaks of the feeling with which his services were regarded by "many" in the party whom he wished so much to serve.

is certain, however, that such was not their general character. It was the policy of their adversaries then, and it has continued to be their policy since, to overlook the moderation of the many, in their zeal to magnify the extravagance of a few; and to forget, because some were only known as turbulent or disputatious men, that a much greater number were at the same time employed in the modest and exemplary discharge of their official duties. The majority of them were evidently men of the most grave sincerity in their religious profession, and not often aware of certain dangerous consequences, which were deduced from some of their opinions by the ingenuity of their opponents. Of the hundreds who were expelled

"I know I am disliked of many which are your enemies, that is, of many which you call puritans. It is their weakness." Hay any work for the Cooper, p. 20. It is thus the paragraph continues:—"I am threatened to be hanged by you. What, though I were hanged, do you think the cause would be the better? for, the day you hang Martin, assure yourselves there will twenty Martins spring in his place. I mean not now, you gross beasts, any such commotion as profane T. C., like a senseless wretch, not able to understand an English phrase, hath given out upon that which he calls a threatening of fists. Assure yourselves I will prove Mar-prelate ere I have done with you. I am alone. No man under heaven is privy, or hath been privy, to my writings against you. I used the advice of none therein. You have, and do suspect divers, as Master Pagget, Master Wigginton, Master Udal, and Master Penry, &c. to make Martin. If they cannot clear themselves, their silliness is pitiful, and they are worthy to bear Martin's punishment."—Ibid. 21. These tracts, it will be remembered, were secretly printed, by the aid of a private press, which was moved from place to place. It was traced to Manchester, and seized; but Martin continued to bid defiance to his adversaries, and his secret died with him.—Collier, II. 606, 607. Bancroft speaks of between forty and fifty pieces, as printed in this manner, either in England or Scotland. But the "care taken by her Majesty, that no such libels should be printed," prevented any great number of these from descending to us.—Dangerous Positions, &c. c. iii. p. 46. It is a material fact, and one which writers of Bancroft's class are not careful to notice, that the first of Martin's tracts did not appear until 1589, thirty years after the Queen's accession.

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from their livings, and doomed to silence, many saw their respective flocks abandoned to ignorance—the most incompetent persons being generally introduced in their room, and whole districts, including many parishes, being often without a single minister capable of preaching. Examples of this irreligious folly might be adduced from nearly every county in the kingdom. And when viewed in connexion with the punishments by fine, deprivation, imprisonment, and even death itself, which were inflicted on useful and devout men, on account of their nonconformity with respect to some religious custom of human appointment, or on account of their opposition to some doubtful article of church polity—the wonder is not that the language of the sufferers when referring to their diocesan shepherds should be sometimes imbued with a feeling of resentment, but rather, that it should so rarely have passed the bounds of decency in relation to the government, and the Queen herself.

Cecil's estimate of their character.

Lord Burleigh spoke the language which prevailed in the commons, and even in the court, when, in a memorial to Elizabeth, he thus expressed himself on this subject: — "But I am bold to think that the bishops, in these dangerous times, take a very ill and unadvised course in driving them (the puritans) from their cures, because, though they are squeamish and nice in their opinions, and more scrupulous than they need, yet, with their careful catechising and diligent preaching, they bring forth that fruit which your most excellent Majesty is to desire and wish, namely,

the lessening and diminishing the papistical numbers."* The sincere devotion and laborious benevolence of the puritan clergy must have been generally unquestionable, or commendations of this description would not have been so often bestowed upon them by men who were far from being of their party, and who sometimes hazarded the displeasure of the Queen in appearing as their friends. It may be that the enemies of the surplice were often men of a severe temper, and disposed to judge of the christianity of their persecutors, on grounds which had more respect to their own peculiarities, than to the great principles of the religion which they professed. But this is an evil inseparable from human nature, when only partially cultivated, and exposed to these collisions of sectarian zeal. "The temple of the Lord are we," is the natural language of men in such circumstances. There is no fact, however, more evident, from the documents which relate to this period of our history, than that the puritan ministers were almost the only preachers; and that the general tendency of their pulpit exercises, was to infuse into the mind of their people the very soul and temper of that religion which had sustained the heart of the Bradfords, and Ridleys, and Latimers, of a former age.†

* Somers's Tracts, I. 166.

† It was not more than one minister in five, taking the kingdom through, who was capable of preaching. See Neal, I. 245, 268. Hallam, I. 214. I may here remark that Mr. Brodie's account of the puritans under Elizabeth is by no means the most accurate portion of his valuable history. He is sceptical as to the extent of their sufferings, and not only gives an undue prominence to their defects, but adds to the number. Thus he remarks, that "they never scrupled to accept of livings under an establishment which

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It is admitted on all hands, that the preservation of the sacred fire of liberty, amid the encroachments of despotism so often manifest in this reign, was owing entirely to the wakefulness and energy of men, who went forth from the sabbath instructions of such teachers to their duties in parliament. Not that the puritan clergy were accustomed, at this time, to make the questions pending in parliament topics of pulpit declamation. Instances of this may have occurred; but the disciples of Calvin were not to become proficients in this doubtful practice, until urged to it by the example of their opponents—the Montagues, and Sibthorpes, and Manwarings, of a later age. There was, however, enough in their general teaching to account for that willingness to suffer in a good cause, and that fearlessness of power, by which their hearers were often distinguished. Those noble principles of civil liberty, which they asserted, were believed to be a part of the great moral lessons contained in holy writ. Not to avow them, would have been to incur the displeasure of the King Eternal, from the fear of an earthly sovereign—to prefer their ease to their obligations, the present to the future. Thus that religious motive, which rendered them so much the foe of the idolatrous papist, rendered them the equally determined advocates of those

they would not allow to be a church." (I. 199.) Whereas the only people who can be said to have denied the ecclesiastical state of England to be a church, were those called Brownists, and these, to the praise of their consistency, became dissenters. Even the Brownists too, as we hope to show, were maligned in this respect. But Mr. Brodie is writing to lessen Hume's charge of tyranny against Elizabeth, and, in this particular, has afforded another proof that to oppose an error is not the most certain road to truth.

better maxims, which have so constantly elevated the people and the nations who have embraced them.*

Elizabeth frequently spoke of her prerogative in extravagant language, but she was always secretly aware that there were certain bounds prescribed by public opinion, as well as by the laws, beyond which it did not behove her to pass; and in nothing was her discernment more strikingly evinced, than in those timely concessions with which she repeatedly allayed the rising storm within the walls of parliament. In her conduct towards the puritans this prudence was not so apparent. No religious establishment, professing at all to recognize the right of private judgment, could long have retained the body of the people within its pale. But the ceremonies most objected to might, with-

Tendency of Elizabeth's conduct with regard to them.

* The writer adverted to, in the first note to this chapter, is bewildered, on finding these ecclesiastical democrats, as he is pleased to style them, making use so early and so constantly of a *regal* mode of expression, when speaking of their discipline, describing it as "Christ's *sceptre*," and as the "*throne of Jesus*." If this historian could only so far have prevailed with himself as to have looked at this subject long enough to understand it, he might have seen that the men who were thus devoted to the kingly authority of the Redeemer, as exercised in the laws of christian polity, were not pledged by any of their religious principles to become the foes of a monarchical power in the civil state. They claimed, in behalf of their nvisible Sovereign, that what they regarded as his laws, should not be made to give place to state expediency or corruption; and when they declared, that if either system must yield, the civil constitution ought to be conformed to the church, rather than the church to the constitution, it was much easier to laugh at them as fools, or to malign them as traitors, than to prove them to be either. The religion of a people may surely be expected to affect the temper, if not the forms of their civil institutions, especially where it becomes "a part and parcel of the law of the land." If what the puritans regarded as the laws, and the regal honours of their Divine Lord were mere fictions, the case, as it respects them, is the same; and it remains to be shown, that there was any thing in puritanism to render it the foe of monarchy. Until this is done, we may presume that the system would never have so displayed itself, if a succession of princes had not been weak enough to conduct a relentless war against it.—Commentaries on the Life and Reign of Charles I., III. 236.

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out any very serious evil, have been left indifferent. This would have satisfied moderate men, who formed, during a considerable interval, the most numerous and the most respectable division of the puritans; and the minority, thus deprived of that consciousness of strength which, as the result of other measures, they were allowed to feel, would have been constrained to adopt a milder language, and to prefer more humble claims. By insisting on a strict conformity, the right of the magistrate to make such a demand became a matter of debate, and was at length openly denied. Soon, also, it was perceived, that if the authority of a Protestant magistrate might be employed to enforce superstitious ceremonies, it might be so far misapplied in ecclesiastical affairs, as to favour an antichristian polity, and even false doctrines; and if to resist in one case was lawful, to resist in others might be lawful. Thus the foundation of that ecclesiastical supremacy which had been so highly valued was shaken, and shaken preparatory to its fall. That strange kind of infallibility on which it was founded, was ascertained to be a fiction; and from the moment in which that discovery was made, its strength began to waste away. Lord Burleigh, as we have seen, exposed the impolicy of discouraging men whose laborious fidelity tended so plainly to "the diminishing of the papistical numbers;" and that profound statesman was equally aware, that in any great struggle with the catholic party, whether under Elizabeth, or in the event of her death, the strength of the protestant interest must have been found among this proscribed and slandered people.

This conviction, which was that of every wise churchman, was equally that of the sagacious Romanist. The quiescent temper which belonged generally to the conformists of the age, might be very grateful to the Queen and the prelates in a season of tranquillity; but they appear to have forgotten, that it was precisely this temper which had rendered the mass of the people so disgracefully passive under the changes of preceding reigns, and that should the hour of trial arrive, it would probably render them passive again. The puritans, on the contrary, if leniently dealt with, might have been expected to hazard every thing in such a contest.*

* It was in contending with the Romanist, the common adversary, that Cartwright employed the closing years of his troubled life. This distinguished puritan possessed learning and capacity, which fitted him for any station in the church, but he exposed himself, through nearly half a century, to poverty, exile, and complicated suffering in defence of what he regarded as the cause of divine truth. All men, and especially men whose ardent temperament fits them to become leaders, have their imperfections; but the above is the only rational view to be entertained respecting the conduct of Cartwright. That he repented on his death-bed of the course he had pursued, is an unauthenticated rumour to which the facts of his life are opposed. He was accosted as an "aged" man by the commissioners, in 1591; he was then found to be any thing but wavering. His subsequent silence arose more from hopelessness of success than from change of principle; for he had learned that to conquer from the press, was not to succeed with the personage who occupied the throne of ecclesiastical supremacy. Had his mantle fallen on a second, at the Queen's death, it is not easy to say what the effect would have been.—See Fuller's Hist. Book X. 3. Strype's Whitgift, p. 554. Beza affirmed of Cartwright, that the sun shone not on "a more learned man." Mr. D'Israeli speaks of him as "a person of *some* eminence, and *doubtless* of great ambition." The same writer states, when referring to the early life of this puritan leader, that he expatriated himself during several years, "that he might become endowed with a full portion of the revolutionary spirit." But the truth is, Cartwright did not expatriate himself, until his success as the advocate of puritanism had so far provoked persecution as to render that step necessary to his safety. Commentaries, III. 237.

JAMES THE FIRST.

CHAP. I.

ACCESSION OF JAMES THE FIRST.

DEATH OF ELIZABETH.—POLICY OF JAMES.—HIS TITLE MORE POPULAR THAN HEREDITARY.—PROCLAIMED KING.—STATE OF PARTIES.—PROGRESS TO LONDON.—DISTRIBUTION OF HONOURS.

CHAP. I. 1603.

THROUGH the reign of Elizabeth, the succession to the throne was a question of agitating interest, and one to the adjustment of which the parliament often applied itself, sometimes using the language of entreaty, and sometimes that of grave or passionate remonstrance. But every approach to that subject was sternly checked by the sovereign. It was said that in her last moments the queen had avowed her approbation of the Scottish king, but even this assertion is of doubtful accuracy, and upon the whole her intentions in this important matter appear to have been rather inferred than expressed.*

Death of Elizabeth.

Policy of James.

During some years previous to the decease of Elizabeth, James had been much occupied with

* Hume, VI. c. 45. Opposed to the positive assertion of this writer on the point referred to, is the less decisive testimony of a party who was present. "She was speechless when the council proposed the king of Scots to succeed her; but put her hand to her head as if in token of approbation."—Earl of Monmouth's Memoirs, p. 176, and Pref. xi. xii. Hallam, I. 310. Birch's Memoirs, II. 506—508. D'Israeli's Curiosities of Literature, second series, III. 107—109.

intrigues, in some instances with the factions in this country, in others, with the powers of the continent, and always in the hope either of adding to the supporters of his pretensions with respect to the English crown, or of disarming some rival claimant. To render these intrigues effectual, all parties were taught to believe that there was much to be expected, and little to be feared from the event of his accession; and to convey this impression to men so directly opposed to each other, no dissimulation would seem to have been regarded as too great.* The insincerity connected with this policy may have arisen, in part, from a timidity of temper, which naturally disposes those who are afflicted with it, to seek by artifice, what they dare not attempt by bolder means.

His title more popular than hereditary.

There was, however, one other cause, from which it may, in some degree, have proceeded, and one which James would have been slow to whisper, even in the ear of his favourites—we mean the want of a legal claim. Judging, indeed, from the language in which the Stuart sovereigns were accustomed to advert to the doctrines of indefeasible right, and to every thing resembling popular control, we should suppose that nothing could be more certain than their own hereditary claim to the English throne—that nothing could be more free from the least dependence on popular suffrage. It is, nevertheless, true, that James became the successor of Elizabeth by the voice of the people, to the exclusion of a member of the house of

* Birch's Memoirs, I. 109, 215, 216, 403. Winwood's Memorials, I. 1—15. Lingard, VIII. 418—424.

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Suffolk, who should have obtained that distinction according to the decisions of law. Hence, were the doctrines so often broached on this subject by James and his descendants correct, it might be shown that, from the decease of the last Tudor sovereign to the present hour, Englishmen have been estranged from their proper allegiance, and that to return to our true position, it is necessary that all subsequent pretenders to the sovereignty of England should be put aside, and that the present Duchess of Buckingham, or the Marquis of Stafford, should be considered as the person entitled to the throne. But James lost no time in claiming the English sceptre on the ground of hereditary right; and his first parliament had important reasons for confirming a pretension which it would have been easy to dispute.*

Is proclaimed king.

Elizabeth expired in 1603, on the twenty-fourth of March, at three o'clock in the morning. By six, Sir Robert Cecil, and others, were assembled; and before the death of the queen had reached the ear of the populace, James was proclaimed to the citizens of London as their sovereign.†

* This singular fact is noticed by Miss Aikin (Court of James I. vol. I. 87.), and is more adequately attended to by Mr. Hallam, I. 310—317. It should be remembered, also, that James was raised to the throne of Scotland by the authority of a party who had deposed his mother to make way for him; and on these terms the king held his dignity, exercising all the functions of royalty, to the time of Mary's death.—See Coke's Detection. The following passage, however, occurs in the king's correspondence with Cecil, a little before his accession: "For my part, I hold it the office of a king, as sitting upon the throne of God, to imitate the *primum mobile*, and by his steady and ever constant course, to govern all the other changeable and uncertain motions of the inferior planets." — Birch's Memoirs, II. 515. If we may credit Weldon, Cecil did much to cherish these elevated notions of royalty in his future sovereign. Court and Character of James I. p. 12.

† Strype, VI. 370. Rymer, XVI. 493. Weldon, pp. 1—3.

1603. State of parties.

This promptitude arose less from the fear of opposition, than from anxiety on the part of individuals to secure the favour of the new monarch. When the long-expected crisis came, the speculations so variously indulged with regard to the succession passed away; and the sceptre was transferred, without the slightest difficulty, from the house of Tudor to that of Stuart. The puritans were silent, anticipating a milder sway under a prince who had once avowed a superlative and unalterable attachment, to the more simple worship, and the more equal discipline, of the Scottish kirk. The prelates who, in prospect of this change, had sometimes trembled for the ark of episcopacy, had been for some time assured that their fears were groundless;* and the catholics were not altogether unreasonable in expecting more tolerant treatment from a sovereign, who, if a protestant, and the member of a presbyterian church, was still the son of the unfortunate Queen of Scots.† The hope of diverting

* The king's work, entitled *Basilicon Doron*, was adapted to produce this impression. It was first published in 1599, and passed through three editions in 1603. Yet it was so late as 1598, that James had assured the Scottish parliament, "that he minded not to bring in papistical or Anglicane bishops." Calderwood's History of the Church of Scotland, p. 418. Eight years earlier, his eloquence on this subject had charmed his hearers. Before the general assembly at Edinburgh, he removed his bonnet from his head, raised his hands toward heaven, and exclaimed, that "he praised God that he was born in the time of the light of the gospel, and in such a place as to be king of such a church, the sincerest (purest) kirk in the world." Even the church of Geneva was not so pure. But, "as for our neighbour kirk of England," he remarks, "their service is an evil said mass in English; they want nothing of the mass but the liftings. I charge you, my good ministers, doctors, elders, nobles, gentlemen, and barons, to stand to your purity, and to exhort the people to do the same, and I forsooth, *as long as I brook my life*, shall maintain the same."—Ibid. p. 256. Whitgift, it is well known, was doubtful as to the king, and still more so as to the new parliament. But this Scotch mist, as it had long been called, was soon to pass away.

† Lingard, IX. 14.

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the succession, which had so much occupied the attention of plotters in this last party, appears to have referred, at this moment, to Arabella Stuart. But it was well known that the person of that lady had been placed under detention by the policy of Cecil; and had it been otherwise, any effort in behalf of a claimant, whose pretensions had been favoured by the pontiff, and by other members of the catholic league, must have been worse than useless.*

The king's progress from Edinburgh to London.

James received the news of his elevation with distrust. But on learning the unanimity with which his accession was regarded by his new subjects, his fears vanished, and he appears to have been transported with the visions of opulence and honour which opened to his view. Preparations were instantly made to commence a progress toward London; the English people every where crowded to testify their loyalty, and the monarch called upon the Scotsmen in his train to exult as having entered upon the promised land.† But the clouds which were so much to obscure this rising sun were early visible.

April 6.

The person of James possessed no trace of majesty; his gait was awkward, his manners coarse and uninviting. His beard left his manhood almost a problem; his tongue had grown too

* This unfortunate lady was descended from a niece of Henry VIII. and was next to James himself in the Scottish line of succession. She was also an Englishwoman, while James was an alien—a circumstance which would have prevented his possessing property in the kingdom as a private man, and one which was accordingly urged, in some quarters, as giving a preference to the claim of Arabella as to the crown.—Aikin, I. 145. Lingard, IX. 3.

† Osborn's Memoirs, p. 423.

bulky for his mouth; and his eyes, which were unusually large, were remarkable only for that circumstance and their vacancy.* Added to this was a shyness of crowds, which led him to discourage those familiar approaches of the people that had conduced so much to the influence of his predecessor. He was, moreover, imprudent enough to speak slightingly of that imperfect, but extraordinary woman, and to betray a jealousy of such matters as partook of respect for her memory. During his journey from Scotland, "he professed openly a great contempt for the female sex, not only suffering the ladies to present themselves to him on their knees, but even publicly condemning any passion for them, and reflecting, at his own table, filled with company, upon Henry the Fourth of France for his indulgence of that passion. This discourse highly exasperated the women in

* The following is a description of the king's person and manners by a contemporary. "He was of middle stature, more corpulent through his clothes than in his body, yet fat enough; his clothes being made large and easy, the doublet quilted for stiletto proof; his breeches in plaits, and full-stuffed. He was naturally of a timorous disposition, which was the reason of his quilted doublets. His eye large, ever rolling after any stranger that came in his presence; insomuch as many, for shame, have left the room, as being out of countenance. His beard was very thin; his tongue too large for his mouth, and made him drink very unseemly, as if eating his drink, which came out into the cup of each side his mouth. His skin was as soft as taffeta sarsenet; which felt so, because he never washed his hands, only rubbed his finger's-end slightly with the wet end of a napkin. His legs were very weak, having had, as some thought, some foul play in his youth, or rather before he was born, that he was not able to stand at seven years of age; that weakness made him ever leaning on other men's shoulders; his walk was ever circular." The rest is not decent.—Weldon, 177—179. Another writer remarks,—"I shall leave him dressed for posterity in the colours I saw him in the next progress after his inauguration, which was as green as the grass he trod on; with a feather in his cap, and a horn instead of a sword at his side. How suitable to his age, calling, or person, I leave others to judge from his picture."—Osborn's Memoirs. Balfour's Annales, II. 108—115.

CHAP. I. 1603.

general, and opened their mouths against his Majesty."*

It was in the course of this journey, also, that the king ventured to execute a thief without even the form of a trial; upon which, an old courtier of Elizabeth observed, "It is strangely done; now if the wind bloweth thus, why may not a man be tried before he has offended."† But it soon became manifest that James had so far erred in the estimate which he had formed of his own character, and of the state of things in England, as to render his notions of kingly power not only unconstitutional, but, when compared with his ability to enforce them, somewhat ridiculous.

The king accordingly appeared among his new subjects, expecting to win their admiration and attachment by his wisdom and condescension; while his subjects, on their part, were slow to discern the first attribute, and not often pleased with the second.

His profuse distribution of honours.

In forming his council, six English noblemen were nominated, and to these the same number of Scotsmen were added. Such distinctions as were to be conferred without affecting his pecuniary resources, were freely bestowed on the men of both nations, though not, according to English writers, without an evident leaning toward the claims of his countrymen. Beside those who were raised to higher dignities, more than seven hundred persons received the order of knighthood from the hand of their sovereign, within a few weeks of his accession. The first public reflection

* Birch's Memoirs, II. 516. † Nugæ Antiquæ, I. 180.

on the political sagacity of this monarch—a faculty in a reputation for which he greatly prided himself, was provoked by this hasty and promiscuous distribution of honours. A satirical paper was placed on the door of St. Paul's, in which the writer proposed to discipline feeble memories, so as to afford the hope of their being equal to the task of recollecting the titles of the new nobility.*

* Stowe, pp. 824—827. Weldon. The freedom with which this distinction was bestowed is illustrated by the following anecdote: "On Easter Sunday, one William Hericke, a goldsmith in Cheapside, was knighted for making a hole in the great diamond the king doth wear; the party little expected the honour, but he did his work so well as won the king to an extraordinary liking of it."—Winwood, II. 57. Within twelve months, fourteen peers were created.

CHAP. II.

POLICY OF JAMES, WITH RESPECT TO THE CONTINENTAL POWERS.

POLITICAL AND RELIGIOUS STATE OF EUROPE:—FRANCE—SPAIN—HOLLAND.—NEGOTIATIONS WITH THE CONTINENTAL STATES.

CHAP. II.

1603.

Political and religious state of Europe.

But if the defects of the English monarch were so early perceived by his subjects, the most formidable powers of Europe were concerned to secure his friendship and alliance. At this moment their religious and political relations were such as to render the policy adopted by England apparently of the first importance. The continent had been for some time divided between the houses of Austria and Bourbon; and wherever any degree of civil liberty existed, or the protestant faith was professed, the toleration of things so little congenial with the temper of the French and Spanish monarchies, was to be traced to that rivalry which had led these powers to employ every expedient to weaken each other. There was a time when the principles of a representative government seemed to be acquiring some root and fixedness in the constitutions both of France and Spain;* but these hopeful appearances had vanished with

France.

Spain.

* Charles V. destroyed this state of things in Spain; and the last meeting of the states-general in France, previously to the memorable one in 1789, was in the eleventh year of our James I.

the former half of the last century, and the states of Holland, in exhibiting the wholesome influence of such principles on the industry and the general character of a people, stood almost alone. The protestant religion was the source from which the bold effort of the United Provinces in the cause of civil freedom arose. That religious faith, however, which had done so much for them, and which they were required to do so much to defend, maintained but a precarious existence in Germany, and in France was surrounded by hostility, which, before the close of this century, was to crush and nearly extinguish it.* It was an unhappy circumstance that James and Charles, in looking to the two principal monarchs of Europe, with whom alone they would think of comparing themselves, saw in them kings, who, if sometimes checked by their nobles, were nearly absolute with respect to their people; and kings, moreover, whose despotic rule was scarcely anywhere broken, except by communities, who, in resisting the yoke of the pontiffs, had learnt to regard the limits of kingly authority as a proper subject of debate. Hence, if the reformed faith was to be retained, it was in a

* "The cities of Germany," writes Machiavel, "enjoy a very extensive liberty; they have a territory of inconsiderable extent, and obey the emperor when they please, not fearing to be attacked by him, or by others; because they all have strong walls, deep ditches, artillery, and provisions for a year; so that the siege of those cities would be long and painful. Added to this, they have always in reserve labour to employ the people, during the same space of time, in order to support them without having recourse to the public purse: besides, their troops are regularly exercised in military evolutions, and their regulations, in that respect, are as wise as they are well observed."—The Prince, c. X. It was by such means, that the cities of Germany preserved their measure of civil and religious independence. And a similar policy was adopted by the protestant cities of France.

CHAP. II. 1603.

fashion bearing a nearer resemblance to the popery of the continent, than to its protestantism; and, if some legislative power was to be exercised by the people, it was to be rather as a matter of sufferance on the part of the sovereign, than, as one of right in themselves.*

An abhorrence of Spain had long been a prevalent feeling in this country, and not without cause. But the new dynasty was expected to bring with it some new maxims of policy; and whatever may have been the extent of the king's intrigue with Spain before leaving Scotland, it is certain, that his elevation to the English throne, was regarded by his catholic majesty as the advancement of a friend and ally. An invasion of this kingdom, for which considerable preparations are said to have been made by the Spanish monarch, was relinquished immediately on the death of Elizabeth.† The United Provinces were active in maintaining their independence, but they still needed the aid of England, and their rulers were not ignorant of the partialities which the Scottish king had shewn towards Spain, or of his favourite dogmas with respect to kingly power. There was accordingly some room to apprehend that he might regard them in the light of rebels, and that, considering the king of Spain as their legitimate sovereign, he might allow the force of his kingdom to be-

* It is evident from the despatches of ambassadors, that the French and Spanish cabinets kept a vigilant eye, from this time, on the proceedings of the English parliaments, and that they were much more influenced by the tone of such assemblies, than by the language of the king or of his ministers. — See an instance of this in Winwood, II. 153, 154.

† Lingard, IX. 11.

come allied with that power from which they had wrested their dear-bought freedom.

1603. Negotiations with the continental states.

But the friendship which had subsisted between this country and the Provinces had rendered their mutual amity a mutual interest; in addition to which, James possessed a constitutional dread of hostilities; and his well-known aversion to the politics of the revolted States, was a feeling with which his subjects generally had no sympathy. To these causes, more than to the wisdom or the eloquence of their ambassador, the Hollanders were indebted for their measure of success. France and England had become united in the cause of these republicans; and to perpetuate this alliance in their favour was the object for which the celebrated Duke of Sully appeared at the English court. He there found himself opposed to the Count of Aremberg, as ambassador from the archduke. The French minister succeeded in obtaining a treaty, which bound his master, and the English monarch, to render secret aid to the Hollanders, and, should Philip resent such interference, to join with them in open war against him. But when Sully had quitted the scene of negotiation, the king became subject to other influence, and his policy assumed that character of tameness and neutrality which was to distinguish it to the end. His temper called for peace, and that he obtained; but frequently in a manner, and upon terms, to which Englishmen were little accustomed. The treaty with Spain included one article unfriendly to Holland, which probably contributed to the subsequent capitulation of Ostend. Sir Charles Cornwallis learnt, soon after his arrival

1604.

CHAP. II. 1603.

as ambassador at Madrid, that the peace concluded with that power had excited the astonishment of all parties, except the one that had been overmatched in it. "By those collections," he observes, "that I have made, and the relations of others well practised in this state, I find that England never lost such an opportunity of winning honour and wealth unto it, as by relinquishing the war with Spain."*

* Sully's Memoirs, passim. Winwood, II. 1—7, 28, 75, 84, 229, 230. No man, perhaps, was better informed as to the comparative strength of the leading powers of Europe than Sir Walter Raleigh. When writing on this subject, in 1612, he remarks: "There are but two kings to look after, France and Spain—as for the archduke, the States will look after him. For Spain, it is a proverb of their own, The lion is not so fierce as his picture. His force in all parts of the world (except the Low countries) is far under his fame. And if the late queen would but have believed her men of war, as she did her scribes, we had, in her time, broke that compact to pieces, and made their king, king of figs and oranges, as in old time. But her majesty did all by halves; and by petty invasions, taught the Spaniard how to defend himself, and see his own weakness; which, till our attempts taught him, was hardly seen by himself." Of France and Spain, he observes, they "will never agree that either of them shall overmuch endanger England, if it were in their power so to do." Of the Netherlands he writes, "To which of these three those people fasten themselves, England, France, or Spain, he that hath them will become the greatest, and give the law to the rest.—If any man doubt it, he knows not much."—A Politique Discourse, by way of Dispute, about the happiest Marriage for the noble Prince Henry. Somers's Tracts, I. 410—421.

CHAP. III.

DETECTION OF CONSPIRACIES.—TRIAL OF SIR WALTER RALEIGH, LORD GREY, AND OTHERS.

FACTIONS IN THE COURT.—CONSPIRACIES.—THE "BYE"—THE "MAIN."—TRIAL OF CONSPIRATORS.—RALEIGH.—COBHAM AND GREY.—EXECUTIONS.—EXERCISE OF ROYAL CLEMENCY.

CHAP. III. 1603.

CONNECTED with these negotiations were certain intrigues, partaking both of a religious and a political character, which deserve a passing attention on account of the parties engaged in them, and as showing the injustice and cruelty which too frequently marked the proceedings of our courts of law, to this period, in cases of treason. One of these movements was secretly designated, "the main," and derives its chief importance from its involving the fate of Sir Walter Raleigh. The other went under the name of "the bye," and included a union of catholics, both of the priesthood and laity, together with Lord Grey, a zealous puritan,—their disaffection arising partly from political motives, but chiefly from the measures known to be meditated by the king with regard to the catholic and the puritan parties.

Factions in the English court at this time.

Sully describes the court of James, on his accession, as divided into several factions—the Scottish, headed by the Earl of Mar, who were attached to the interests of France; the Spanish, managed by the house of Howard; an English

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faction, without any predilection for either France or Spain, and favoured by Lord Buckhurst, and, perhaps, by Cecil; and a fourth party, "formed of such as were seen to mingle in public affairs without any connexion with the former parties, or even any fixed agreement among themselves, except that they kept together and would unite with none—seditious persons, of a character purely English, and ready to undertake any thing in favour of novelty, were it even against the king himself. These had at their head the Earls of Northumberland, Southampton, and Cumberland; Lord Cobham, Raleigh, Griffin, and others."* As the intentions of the king, and the character of the new government, began to be ascertained, these parties became subject to modifications.

The bye."

Judging, however, from appearances, it would seem that men who love the dark paths of conspiracy could hardly have been placed in circumstances affording less encouragement to the indulgence of their inclinations. It is true, Arabella Stuart was the next person to James in the order of succession; and, on the ground of her being a native, while her relative was an alien, she might even have been preferred to him. She was, moreover, a catholic; and this circumstance had interested the pope in her favour, and rendered her possible accession a fond speculation, and the matter of laborious

* Sully's Memoirs. Howard, in his correspondence with James before his accession, labours hard to induce the king to place his chief confidence in Cecil, and is equally concerned to render Northumberland, Cobham, and Raleigh suspected. "The first of whom he treats as a very contemptible man, and all three, as persons of no principles in morals or religion, calling them *a triplicity that deny the Trinity.*" Birch, II. 514.

intrigue with the court of Rome. But how were the claims of this lady to be forwarded? The answer was, by marrying her to the Cardinal Farnese, brother of the pontiff, who should be secularized for that purpose; by inducing the Spanish court, from its regard to the interests of the holy see, to forego its claim on behalf of the infanta; and, by persuading Henry the fourth to support the measure, rather than see the kingdom of England added to the dominions of the house of Austria! Such, too, was the faith of Clement the seventh, with regard to this scheme, that briefs were provided a little before the decease of Elizabeth, to be issued immediately on her death, prohibiting the clergy, the nobility, and the commons of England, from acknowledging any sovereign not a catholic, or not recommended to their allegiance by himself. But the jesuit Garnet, on witnessing the peaceful accession of the Scottish king, committed the papal instructions to the flames. Arabella herself was never suspected of being a party to the dreams thus indulged with regard to her, nor does she seem to have possessed the qualities necessary to such enterprizes.*

Her silent pretensions, however, appear to have been made a subject of grave conference between George Brook, brother to the courtier Lord Cobham, who should, perhaps, be described as a protestant, and Sir Griffin Markham, a catholic, and the priests Watson and Clarke. A few other persons, of the same faith, were afterwards admitted to their secret. The leaders disclosed to their associates,

* Butler's Memoirs of English Catholics, I. 241. *et seq.* Aikin, I. 144—146.

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only so much of their plan as related to presenting a petition to the king in favour of their religious communion, which should be so supported as to secure the royal sanction. It was, however, equally a part of their project, to seize the persons of the royal family, to lodge them in the Tower, and to detain them prisoners until the king should consent to their demands, should remove certain of his councillors, particularly Sir Robert Cecil and Sir George Hume, and should grant to the conspirators a full indemnity from the consequences of such a proceeding. Watson, indeed, contended, that as the king had not been crowned, the failure of the undertaking could not involve himself or his associates in the guilt of treason. Sir Griffin Markham was the person who disclosed the affair to Lord Grey of Wilton, a young nobleman of considerable intrepidity and talent, who, beside being warmly attached to the cause of the proscribed puritans, was dissatisfied with the neglect to which he found himself exposed at court, in consequence of his hostility to the late Earl of Essex, and to the present Earl of Southampton. It was accordingly agreed to seek the removal of their common enemies from the privy council, and to suspend the animosity which had so totally separated the puritan and the catholic, in an effort to redress the grievances common to their respective parties.

June 24.

But this novel union was soon found to be without any adequate principle of cohesion. When the day appointed for the surprise of the royal person drew near, Grey astonished his companions by proposing to defer the attempt for six months. He, perhaps,

judged the catholics to be more powerful than they were. It is certain that the confidence which he had felt in that body, or in the chances of success, had failed. The withdrawment of his aid so enfeebled the party, that their object was forthwith abandoned as hopeless. Cecil, who was secretly watching the steps of his enemies, deplored this event, which threatened to deprive him of the means of cutting them off. But the arrest of one of their number, produced confessions which implicated his companions; and of all the persons engaged in this affair one only was acquitted. Such was the fate of the plot called "the bye."* CHAP. III. 1603. July 8.

While "the main" was limited to some petty intrigues with the council and ambassadors of the French monarch, the Earl of Northumberland was probably a party to it. But certain proposals, said to have been afterwards made to the archduke, through the medium of his minister Aremberg, are described as purely those of Raleigh, by means of his instrument, Lord Cobham. These persons, it should be observed, shared equally, in the dislike of James, and the enmity of Cecil. Their object is said to have been to obtain a large sum of money from the king of Spain, to be distributed in England for the purpose of disturbing the government, and, perhaps, of changing the sovereignty of the realm. Cobham disclosed the matter to his brother George Brook, and is said to have urged his making it known to Arabella, and, if possible, to obtain from her a letter to the Spanish monarch, promising, on condition of his rendering her suitable aid, to take "The main."

* Winwood, II. 8. Aikin, I. 140—150. Lingard, IX. 11—20.

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possession of the throne, to be directed by him in her marriage, to establish a solid peace between the two crowns, and to grant a full toleration of the catholic worship. All these points, however, carry much improbability along with them; and the obscurity which rested on them in that age has not been removed since. Brooks shrunk from the proposal made to him; and a preparatory letter, sent to Arabella by Lord Cobham, was immediately submitted by that lady to the king—a measure which was, of course, followed by the speedy arrest of that nobleman, and by that of Raleigh, as the person who was known to govern him.*

May 20.

Trial of the conspirators.

The trial of the prisoners took place at Winchester, in consequence of the plague which then ravaged the metropolis. Lord Grey and Lord Cobham were reserved to be judged by their peers. The other persons engaged in "the bye," though chargeable with no overt act, were convicted of treasonable designs, and, with the exception of Sir Edward Parham, were sentenced to die the death of traitors.

Nov. 15.

Of Raleigh.

When Raleigh appeared at the bar, the indictment produced charged him with conspiring to deprive the king of his government, to excite sedition within the kingdom, and to induce foreign enemies to invade it; also with intending to advance the lady Arabella Stuart to the throne, and with having published a book impeaching the title of his present majesty. The case for the prosecution was opened by the attorney-general, Sir Edward Coke, who descended to assail the prisoner in terms of the grossest insult and abuse. This

* Winwood, II. 8. Aikin, I. 140—150. Lingard, IX. 11—20.

barbarian conduct was rendered still more odious by the calmness and dignity with which the accused conducted his defence. While painfully conscious of those defects in the law, or rather, perhaps, in its administration, which left the person charged with treason so much at the mercy of his judges, he yet maintained his firmness and moderation, resorting with surprising skill and eloquence to every plea that could serve his cause. But his fate was to be determined less by the laws of evidence, than by the passions of his rivals; and with these, the brilliancy of his parts, would not be among the least of his offences. It was in vain, therefore, that he denied the charges preferred against him; that he complained of being judged by the testimony of Lord Cobham alone; that he appealed successively to statutes and to holy writ, as requiring the evidence of two witnesses, and the confronting of those witnesses with the accused; that he ascribed Cobham's written deposition, the only particle of evidence against him, to a sudden feeling of resentment, produced by misapprehension; that he opposed to that deposition, as reported by his enemies, a solemn retraction in the hand-writing of the person said to be its author; and that he insisted, that, if his fate must be decided, contrary to law and gospel, by the testimony of a single person, that the person appealed to, should, at least, be brought into court,—avowing his readiness to stand or fall by the result. All this he did; but none of these things—nor his concluding address to the sympathies of the jury, as Englishmen, and husbands, and fathers—could avail him. The

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verdict returned, after some hesitation was, guilty of high treason—a conclusion that went even beyond the charge of the attorney-general, who was content to describe the conduct of the offender merely as misprision of treason.

One who was present has remarked, "He answered with that temper, wit, learning, courage, and judgment, that, save that it went with the hazard of his life, it was the happiest day that he ever spent." Of the two persons, who were first to announce the decision of the jury to the king, the one declared that "never man spoke so well before, or would again." The other affirmed, that he had entered the court prepared to travel a hundred miles to see the prisoner hanged, but that he left it willing to traverse tenfold the number to save his life. This change of sentiment was not peculiar to the Scotsman who had candour enough to give it utterance. Raleigh's opposition to the party of the Earl of Essex, had exposed him to much popular resentment; but from the day of his trial, many who had rarely mentioned his name, except with abhorrence, adverted to his character and conduct with admiration and sympathy. Never, perhaps, was law more violated, or humanity more outraged, in the annals of this country, than in this effort to crush a man whose genius was one of its brightest ornaments. Faults indeed he had, but they were almost virtues, when compared with the conduct of his enemies at Winchester.*

* See Howell's State Trials, II., passim, and Caley's Life of Raleigh, passim. Nugæ Antiquæ, I. 740. The last writer remarks, concerning the religious

Cobham, and Grey, possessed little in common, beyond their privilege as peers. Of the first it is recorded, that "never was seen so abject and poor a spirit." In the long and fervent entreaties with which he implored the sparing of his life, his only plea was the confessions in which he had convicted himself, and accused his friends. "Grey, quite in another key, began with great assurance and alacrity; spake a long and eloquent speech, first to the lords, and then to the judges, and lastly to the king's counsel, and told them each of their charges, and spake effectually for himself. He held them the whole day, from eight in the morning, till eight at night, in subtle traverses and scapes; but the evidence was too conspicuous, both by Brook's and Markham's confessions, that he was acquainted with the (intended) surprise. Yet the lords were long ere they could all agree, and loth to come out with so hard a censure against him; for though

scepticism imputed to Raleigh, "I wist not that he hath evil design in matters of faith or religion, as he hath often discoursed to me with much learning, wisdom and freedom. I know he doth somewhat differ in opinion from some others; but I think also his heart is well fixed in every honest thing, as far as I can look into him. He seemeth wondrously fitted, both by art and nature, to serve the state; especially as he is versed in foreign matters.—In religion he hath shewn (in private talk) great depth, and good reading, as I once experienced at his house, before many learned men. In good troth I pity his state, and doubt the dice not fairly thrown, if his life be the losing stake." Dr. Parr has shewn himself displeased, that Hume should have described Raleigh as "one of the first free-thinkers in this country;" and supposes this opinion to have been hastily formed from the fact that Sir Walter published a small work with the title of "The Sceptic." But there is more reason to believe that Hume never saw that production, and that he was guided solely by the fact that such was the imputation cast upon Raleigh by his contemporaries. The jesuit Parsons, in the veracious performance called Doleman's Conference, charged Sir Walter with atheism; and Sir Edward Coke descended to urge this calumny against the accused, when upon his trial. That he was no atheist is certain; but the extent of his faith in divine revelation is not easily determined.—See Field's Life of Parr, II. 304. Aikin, I. 161—167.

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he had some heavy enemies, as his old antagonist, (Southampton) who was mute before his face, but spake very unnobly against him, yet most of them strove with themselves, and would fain, as it seemed, have dispensed with their consciences to have showed him favour. At the pronouncing of the opinion of the lords, and the demand whether he had any thing to say why sentence of death should not be given against him, these only were his words:—'I have nothing to say'—there he paused long—'and yet a word of Tacitus comes in my mind,—*Non eadem omnibus decora;* the house of the Wiltons have spent many lives in their prince's service, and Grey cannot beg his.'

"After sentence given, he only desired to have one Travers, a divine, sent for to come to him, if he might live two days. If he were to die before that, then he might have one Field, whom he thought to be near. There was great compassion had of this gallant young lord, for so clear and fiery a spirit had not been seen by any that had been present at the like trials. Yet the lord-steward condemned his manner much, terming it Lucifer's pride, and preached much humiliation; and the judges liked him as little, because he disputed with them against their laws. We cannot yet judge what will become of him or the rest.*"

* Sir Dudley Carlton's Letters, passim. Miss Aikin speaks of Travers as "a celebrated and exemplary puritan divine; whom the candid Hooker, when engaged in controversy with him, mentioned as his antagonist, but not his enemy."—I. 169. Travers was appointed professor in the College of St. Andrews by James, while king of Scotland; he was ungenerously treated by Whitgift, who denied the validity of the presbyterian ordination which he had received at Antwerp.—Pierce's Vindication, 139.

Brook was called to suffer, and the two priests underwent the barbarous execution allotted to the crime of treason. But the fate of their companions remained for some time a matter of uncertainty. Among the courtiers, many urged the immediate punishment of the culprits; and one Galloway, a minister of Perth, is said to have preached against "remissness and moderation of justice in its head, as if it were one of the seven deadly sins." At the same time more generous men were not slow in throwing their influence into the opposite scale. But on the second Wednesday in December, the king, after much seeming vacillation, signed a warrant for the execution of Markham, Grey, and Cobham. On the morning of the following Friday, Markham was summoned to the scaffold. He there complained of having been deceived with false hopes of life, and of being brought to such a scene unprepared. But, assuming more confidence, he rejected the napkin presented to him, observing, that he could look upon death without blushing. While he was preparing for the block, one John Gibb, a stranger, from Scotland, drew the sheriff aside, and produced a letter from the king. Markham was now told, that as he had not been sufficiently apprised of the solemn event before him, he should be allowed two hours more for the purposes of devotion.

1603. Executions.

Markham.

When the key was turned on Markham, Lord Grey was seen approaching. The sentence passed on this nobleman had not in the least affected his appearance or his usual manners. He was preceded by a crowd of youthful associates, and supported on

Grey.

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either side by two of his most intimate friends. His countenance and attire are said to have resembled those of a young bridegroom, more than those of a man at the place of execution. On reaching the scaffold he fell on his knees, and, having joined in the prayer of the minister who attended him, he then addressed an extemporaneous supplication to the Almighty, which was noticed on account of its puritan phraseology, and as appearing to express the most fervent devotion. At the conclusion of this solemn exercise, the sheriff informed him, that instructions had arrived from the sovereign, which required that the sentence of the law should not be inflicted on him, until Cobham had submitted to his fate.

Cobham.

Grey was then led to an apartment separate from that to which Markham had been conducted. Cobham presently appeared on the platform. The unhappy man, whose want of firmness, together with his want of principle, had recently exposed him to so much contempt, surprised the spectators by the fortitude with which he surveyed the scene around him, and the instruments of death as they lay at his feet. Having affirmed, as with his last breath, the guilt of Raleigh, he was told that there were other prisoners with whom it was proper he should now be confronted. Grey and Markham were then brought from their respective apartments, and the three men, meeting at the block, gazed with astonishment at each other, each having regarded his companions as no more. The breathless multitude pressed nearer to the spot as the sheriff proceeded to address the offenders, reminding

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them of their guilt, and of the justice of their sentence; but informing them, in conclusion, that his Majesty had most graciously determined to spare their lives. This announcement rolled a weight of painful sympathy from the hearts of the spectators, and the sudden revulsion of feeling expressed itself in the loudest acclamations.*

1603. Exercise of royal clemency.

The story, however, of these deluded men has a melancholy close. Markham, and two of his companions, were banished the kingdom; Lord Cobham obtained his liberty, and survived sixteen years. Nothing could save them from being years of disgrace. But the rapacity of his enemies, and the inhumanity of those who should have been his friends, rendered them likewise years of poverty—of absolute want. In the garret of a poor dwelling belonging to a "trencher-scraper," formerly in his service at court, he found his last refuge, and there, supplied with scraps, is said to have died in filth and wretchedness.† The noble-minded Grey, in whom a monarch of discernment would have seen so much to encourage and to trust, was to linger through eleven years in the confinement of the Tower, and then to droop and die in the midst of his days. Raleigh also shared for the present in this doubtful clemency; but his sentence was still suspended over him, and his fate will again claim the attention of the reader.

1619.

1614.

* Winwood, II. 11. Hardwicke Papers, pp. 373—393. Lodge, p. 215. State Trials. passim. Caley's Life of Raleigh, II. 1—80.

† Aikin, I. 176. Osborn's account is, that he "heard the Earl of Pembroke say, with much regret, that he died in a room ascended by a ladder, at a poor woman's house in the Minories, formerly his laundress, rather of hunger than of any more natural disease."—Traditional Memorials, p. 426. The same writer remarks, that "if ever folly were capable of the title (of treason), or pity due to innocence," it was in the case of these sufferers.

CHAP. IV.

THE CONFERENCE AT HAMPTON COURT.

MILLENARY PETITION.—CONFERENCE PROPOSED BY THE KING.—CONTENTS OF THE MILLENARY PETITION.—IT IS ASSAILED BY THE UNIVERSITIES.—PROCLAMATION PROHIBITING PETITIONS AND THE DISCUSSION OF RELIGIOUS MATTERS.—MEETING AT HAMPTON COURT.—PUBLISHED ACCOUNT OF THAT CONFERENCE, PARTIAL AND DEFECTIVE.—CONDUCT OF JAMES, ACCORDING TO SIR JOHN HARRINGTON—AND BARLOW.—RESPECTFUL CONDUCT OF THE PURITANS.—GROSS FLATTERY RESORTED TO BY BANCROFT AND WHITGIFT.—EFFECT OF THE CONFERENCE.—IMPRUDENCE OF THE COURT POLICY.

CHAP. IV.

1603. April.

Millenary petition.

JAMES, during his progress towards London, had received several petitions from the puritan clergy, and one distinguished from the rest by possessing somewhat more than eight hundred signatures. The counties from which these signatures were obtained constituted about half the kingdom, and were said to contain a large number beside, whose names would have been attached to it, had opportunity been afforded them. But James had entered England charmed with the prospect of indulging in those dispositions to expense which had so little comported with his resources while in Scotland; and his extravagant notions respecting the authority of princes, he hoped to find more respected by the English bishops, than they had been by the Scottish presbyterians. These calculations, however, were soon found to be raised on partial

information, and were followed, in some important repects, with disappointment.* In the austere manners of the puritans, the king saw those peculiarities which had been so often obtruded on him in his native country, as if in contempt of his own fondness of parade and indulgence; and in their popular modes of teaching, and of government, he saw, or thought he saw, the nursery of that stern independence, which had already imposed so many restraints on his wayward inclinations. His discernment, however, which was not more defective in some instances, than creditable to him in others, suggested, that, in attempting to silence these obnoxious men, caution would, perhaps, be quite as needful as firmness.

Conference proposed by the king.

Accordingly, on receiving the petition noticed above, and which, as though signed by a thousand names, was called, "the millenary petition," it was promised that a day should be appointed, in which the king would meet some of the dissatisfied clergy, together with a select number of their opponents, that their respective arguments on the points at issue might be impartially heard.

Contents of the millenary petition.

This memorable appeal was intitled, "The humble Petition of the Ministers of the Church of England, desiring reformation of certain ceremonies and abuses of the church." The petitioners commenced with deprecating the charge of schism or faction as calumnious, and with professing their sincere attachment to the sovereign, and to the ecclesiastical state. It was acknowledged that they had formerly submitted to impositions in

* Fuller's Hist. X. p. 8.

CHAP. IV. 1603.

religion which they now sought to have abolished; but it was urged, on the part of some, that their conformity had taken place when they were less fully instructed in such matters; by others, that it had been accompanied generally by explanations, protests, and conditions. It was, however, with one consent that they now earnestly entreated the removal of various evils relating to the worship and discipline of the church, to the qualifications of ministers, and to the manner of appointing them to their livings. It was particularly implored that the baptism of infants by women, the use of the cross in that service, and the questions usually put to the infant, should be dispensed with; that the practice of confirmation, the ring in marriage, and the reading of apocryphal lessons in the church, should be abolished; that no minister should be compelled to wear the cap or surplice, to enjoin the observance of holidays, or to sanction the custom of bowing at the name of Jesus; that the church service might be abridged, its psalmody rendered more conducive to edification, and the sanctity of the Lord's day more strictly enforced; that clerical subscription should extend to the articles of religion only, including that of the king's supremacy; that all clergymen should be persons capable of preaching; that they should be required to do so once at least on every sabbath; and no one be allowed to become a non-resident. The articles on discipline relate chiefly to certain customs in the ecclesiastical courts, and which appear to have been in many respects oppressive and injurious.*

* See the petition in Neal, II. 5, 6.

1603.

The propriety of these advances in the reformation of the church, the petitioners pledged themselves to demonstrate, either in writing or conference, and their petition was no sooner made public than it was assailed by both universities.

It is assailed by the universities.

A resolution was adopted at Cambridge, depriving the person who should impugn any part of the doctrine or discipline of the church of England, of whatever degree he may have obtained; and, numbering his offence with unpardonable sins, it declared him incapable of obtaining any such distinction in future. The petitioners were nevertheless admonished by these generous opponents, that, before attempting to dispute in the presence of so learned and wise a king, it behoved them to answer nearly a thousand works already published in refutation of their errors. It does not appear to have been remembered by these magnanimous theologians, that the press had long been consigned to the vigilance of their own party, for the declared purpose of crushing every such attempt on the part of their adversaries. It should, at least, have been recollected, that their present resolution denounced the man as an offender, who should dare to accept their challenge, and provided for his punishment as such. He was to be considered as the partisan of a bad cause should he remain silent, and to attempt its defence was only to show himself a more inveterate delinquent!

Cambridge.

From Oxford the complaints of the petitioners provoked a similar reply. The leading object of the document, which appeared under the name of

Oxford.

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the vice-chancellor and others in that seminary, was to frustrate the hopes of the puritans by exhibiting them as the abettors of misrule, and by commending the present state of the Anglican church to the care of the new monarch, as being alone favourable to the stability of the throne, and to that "supereminent authority," which should reside in "the regal person of a king." *

Proclamation prohibiting petitions, and the discussion of religious matters.

Six months had elapsed since the appeal of the puritan clergy, when the king issued a proclamation, expressing his conviction that the ecclesiastical state of England approached very nearly to the model of the primitive church, and prohibiting all writing or petitioning, with respect to

Oct. 24, 1603.

reforms in religion, under pain of the royal displeasure. But, it was added, that, as some established usages had given offence, a conference of certain bishops and learned men was soon to take place in the presence of his majesty, that it might be ascertained whether the alleged dis-

Jan. 14. 1604

orders were real or imaginary. On a day previous to this proposed investigation the king and the conforming clergy assembled alone. Here matters did not proceed so smoothly as the bishops had anticipated. Their report concerning the doctrine, discipline, and ceremonies of the church, was, in substance, that they were incapable of improvement. The king, it appears, was pleased to "play the puritan," which brought the prelates to his knees, craving, "with great earnestness, that nothing might be altered, lest popish recusants, punished by penal

* Strype's Annals, IV. 327. Neal, II. 6—8.

statutes for their disobedience, and the puritans, punished by deprivation from their callings and livings for nonconformity, should say they had just cause to insult upon them as men who had travelled to bind them to that which by their own mouths was now confessed to be erroneous."* But as the king's objections proceeded more from a meddling vanity than from any other cause, they appear to have been gradually relinquished, and the limits of the alterations to be introduced were adjusted, in the end, without much difficulty.

Meeting at Hampton Court, Jan. 1604.

The puritan representatives, who were only four in number, and persons selected, not by their brethren, but, by the sovereign, were afterwards confronted with their ecclesiastical opponents, including nine bishops, and the same number of dignitaries, the king being seated as moderator, the privy council and a crowd of courtiers being convened as auditors.

Published accounts of this conference, partial and defective.

Of the debate which ensued upon these strangely unequal terms, several accounts were published, but from the whole of them it is not easy to form a correct judgment respecting it. The puritans, who complained of being grossly misrepresented, in the narrative sent forth by Dean Barlow, might have supplied the deficiencies of that publication, and have corrected its mistakes, but they appear to have considered it more prudent to submit to the consequences of that partial statement, than to attempt an exposure of the ribaldry and abuse on which James was pleased to found his pretensions

† Calderwood's Hist. p. 171.

CHAP. IV. 1604.

to a signal victory.* Yet taking this enemy of the weaker party as our guide, we shall find his report disclosing a want of decorum and of common integrity in the proceedings of the stronger side, which are greatly more surprising and disgraceful than that four unprotected men should have been deficient in self-possession when placed in such a scene, and subject to such treatment.

Conduct of James, according to Sir John Harrington—

Sir John Harrington, who will not be suspected of leaning toward puritanism, has thus noticed this affair. "The bishops came to the king about the petitions of the puritans. I was by, and heard much discourse. The king talked much Latin, and disputed with Dr. Reynolds at Hampton; but he rather used upbraidings than argument, and told the petitioners that they wanted to strip Christ again, and bid them away with their snivelling***. The bishops seemed much pleased, and said his majesty spoke by the power of inspiration. I wist not what they mean, but the spirit was rather foul-mouthed. I cannot be present at the next

* Barlow's account contains little information as to the first day's meeting. But, according to one dignitary, who was present, the king spoke a "full hour" on that day; according to another, five hours. The same account makes the objections of the petitioners refer to a few trivial matters only, and includes scarcely anything of the reasoning with which the puritans were accustomed to sustain their cause. Yet Dr. Montague, who was also present, wrote to a female relative on the following day, stating that the puritans made "much stir about the book of common prayer, and subscription to it," extending their complaints to "*all the ceremonies, and every point in it.*" We can easily suppose, therefore, with Fuller, (Hist. ubi supra) that the author of this account "has set a sharp edge on the argument, on one side," and that the art of concealment was so resorted to, with respect to both sides, as best suited his purpose. The account which was published afterwards by Galloway, a Scottish clergyman, supplies some new facts, but this did not see the light without being submitted to the king, and revised by him.—Neal, II. 9—20. Winwood's Memorials, II. 13, 14.

meeting, though the Bishop of London said that I might be in the ante-chamber; it seemeth the king will not change the religious observances. There was much discourse about the ring in marriage, and the cross in baptism; but if I guess aright, the petitioners against one cross will find another."* CHAP. IV. 1604.

When the petitioners began to pray for the establishment of certain district meetings of the clergy for general conference on theological subjects, and which had been suppressed in the last reign under the name of prophesyings, the king is said, by Dean Barlow, to have interrupted them, by exclaiming, "If you aim at a Scottish presbytery, it agrees as well with monarchy as God and the devil. Then Jack and Tom and Will and Dick shall meet, and at their pleasure censure me and my council. Therefore I reiterate my former speech, *Le roi s'avisera*, stay, I pray you, seven years before you demand that of me; and then if you find me grow pursy and fat, I may perchance hearken unto you, for that government will keep me in breath, and give me work enough." This speech sufficiently discovers the ground of the preference which was to be shown to episcopacy, and has, at least, the merit of being free from that dissimulation which its author sometimes affected to consider as essential to the craft of ruling. James then digressed to his favourite topic of supremacy, and in the following terms. "After Queen Mary had overthrown the reformation in England, we in Scotland felt the effect of it. For thereupon Mr. Knox writes to the Queen Regent, a virtuous and moderate lady, —and Barlow.

* Nugæ Antiquæ, I. 181.

CHAP. IV. 1604.

telling her she was the supreme head of the church, and charged her, as she would answer it at God's tribunal, to take care of Christ's evangil in suppressing the popish prelates who withstood the same. But how long, trow ye, did this continue? Even till by her authority the popish prelates were repressed, and Knox with his adherents being brought in, were made strong enough. Then they began to make small account of her supremacy, when according to that more light wherewith they were illuminated, they made a further reformation of themselves. How they used the poor lady, my mother, is not unknown, and how they dealt with me in my minority. I thus apply it. My lords the bishops, (this he said, putting his hand to his hat) I may thank you that these men plead thus for my supremacy. They think they cannot make their party good against you but by appealing to it; but if once you are out and they in, I know what would become of my supremacy, for *no bishop no king*. I have learned of what cut they have been, who, preaching before me since my coming into England, passed over with silence my being supreme governor in causes ecclesiastical." The king then turned to Dr. Reynolds, demanding if he had any thing more to urge; the puritans simply answered in the negative, and the monarch concluded this pretended conference by observing, "If this be all your party has to say, I will make them conform themselves, or else harry them out of the land, or do worse."

Respectful conduct of the puritans.

In this manner did his majesty perform the office of moderator. From the silence of their adversaries,

we must conclude, that the petitioners had conducted themselves with temper, and the strictest decorum. They were dismissed to relate to their brethren the insults which had been heaped upon them, to state that the king persisted in regarding puritanism as inseparable from disloyalty, and that he was accordingly determined to be known as their enemy so long as he should retain the name of a monarch. It may be that James was ignorant of many things, which it was important he should have known with respect to the people who were thus branded as with his own hand, and rudely thrown from his protection. But no excuse can be offered for the prelates, whose sycophancy on this occasion exhibited an amount of dishonesty and impiety, that, had it not been reported by a partisan, would have been discredited as one of the foulest calumnies. Egerton, the chancellor, had never seen the king and the priest so truly united in the same person. Bancroft, the bishop of London, fell on his knees, exclaiming, "I protest my heart melteth for joy, that Almighty God of his singular mercy has given us such a king, as since Christ's time hath not been." And when his majesty declared himself in favour of the oath ex-officio, which, contrary to the humane maxims of English law, compelled the accused to convict himself, Whitgift, the archbishop of Canterbury, affirmed with the same feeling of exultation, that his sovereign had assuredly spoken from the Spirit of God!*

Gross flattery resorted to by Bancroft and Whitgift.

* Dr. Southey has given an extended account of this conference in his Book of the Church, II. 305—325. It supposes that nothing more was said

CHAP. IV.

1604. Effect of the conference.

If the puritans were previously disposed to question the right of the civil power to render indifferent things in religion compulsory, there was little in this discussion to augment their confidence in the royal wisdom; nor were the injurious inferences deduced from opinions which they avowed, and from others which they did not avow, at all likely to diminish their attachment to their real principles. It is among the few good tendencies which remain in the human heart, that unjust treatment, whether of opinions or of persons, generally creates a sympathy in their favour. The monarch, who would convert the loyal into the rebellious, has only to bestow on loyalty the reproach of rebellion. And if, at any time, the ruling church would transform those who dissent from her into uncompromising adversaries, she has only to persist in identifying the acknowledged principles of such persons with the abusive inferences which bigotry has connected with them.

It should be particularly noticed, that the petition, which gave rise to this ill-fated conference, and the claims of the puritans in the conference itself, were wholly free from those objections to which the schemes of the more violent

by the puritan representatives than is reported by Barlow; and with the exception of something like an expression of regret at the adulatory style of Whitgift and Bancroft, it exhibits the conduct of James and of the court clergy as a model of wisdom, candour, and devotion. Another living writer describes the puritan advocates on this occasion, as "the rabid presbyters, who, howling at the surplice as a rag of prelacy, and dashing into pieces the idolatry of painted glass, aimed at nothing short of abolishing the sovereignty and the hierarchy together."—Commentaries on the Reign of Charles I. p. 48. Yet we have no men complaining more frequently or more bitterly of the partialities and dishonesties of historians than Dr. Southey and Mr. D'Israeli.

of their party were sometimes liable in the last reign. The changes now sought consisted of dispensations or reforms, which might have been conceded without injury to the church establishment, and which, in many points, would have conduced materially to its improvement and stability. But it was the lot of these sufferers, whether praying for little or much, to be equally denied, and to be denied because of the amount of their claim. The men, who called for nothing less than a change of the hierarchy, were told that a project so extended was not to be entertained for a moment, and that their presumption in urging it merited severe chastisement: and now, when a more sober class of men appears, whose complaints are limited to less important particulars, their modesty and temperance are described as "snivelling;" and they are told, that men who choose to be discontented on such trivial grounds, must expect banishment, or some heavier infliction.

Imprudence of the court policy at this crisis.

It is very justly remarked by the historian of the puritans, that "if the bishops had been men of moderation, or if the king had discovered any part of that wisdom he was flattered with, all parties might have been made easy at this time; for the bishops, in such a crisis, would have complied with any thing his majesty had insisted on; but the king's cowardice, his love of flattery, his high and arbitrary principles, and his mortal hatred of the puritans, lost one of the fairest opportunities that had ever offered to heal the divisions of the church."* About six weeks later

March 5, 1604.

* Neal, II. 20.

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the king issued a proclamation, stating, that a few alterations had been made in the service of the church, and that the strictest conformity would be expected, as no further change would be allowed. These amendments of the national rubric were accordingly published, and were declared to be obligatory, though without any sanction from either convocation or parliament.*

* I cannot forbear noticing in this place the disingenuous manner in which the puritans of these times are described in The Book of the Church. We shall select an instance. According to Dr. Southey, Whitgift ascertained, before the decease of Elizabeth, that the nonconformist clergy in the province of Canterbury were not more than forty-nine, about a sixteenth of their brethren; and the reader is required to consider "how intolerable it was" that so insignificant a body should be allowed to disturb the peace of the church. But should not the reader have been told also, that the number of the persons who braved the displeasure of their superiors rather than conform was small, when compared with those who shared sincerely in the scruples of such persons, though not prepared to hazard so much on account of them? Should he not have been apprised, moreover, of the manner in which the number of the nonconformists had been reduced so low—by expulsion from their livings, sixty-four in Norfolk, sixty in Suffolk, thirty-eight in Sussex, &c. &c. &c.? And if the friends of nonconformity were really so few at the time referred to, whence the change which Whitgift himself lived to see—when a petition calling for ecclesiastical reform could obtain the signatures of 800 clergymen, and those only from a part of the kingdom? We must not suppose Dr. Southey uninformed on these subjects, and if not, how are we to account for this manner of writing history?

CHAP. V.

PARLIAMENT ASSEMBLED—ITS PROCEEDINGS.

MEETING OF PARLIAMENT.—KING'S SPEECH.—HIS PROCLAMATION.—ITS UNCONSTITUTIONAL CHARACTER.—SPEAKER'S ADDRESS—ITS IMPORTANT STATEMENTS.—THE CASE OF SIR FRANCIS GODWIN.—QUESTION OF THE UNION.—ECCLESIASTICAL AFFAIRS.—A MATTER OF PRIVILEGE.—SUBSIDY DELAYED.—PARLIAMENT PROROGUED.—ADDRESS OF THE COMMONS TO THE KING.

CHAP. V.

1604. Meeting of parliament.

Soon after the arrival of James in London, a destructive pestilence rendered that city a scene of much bereavement and alarm.* The court was removed from place to place, at a distance from the metropolis, to escape the infection. And from this cause, and in some measure perhaps from others, it was not until nearly ten months after the decease of Elizabeth, that the first parliament of her successor was summoned; and a further interval of eight weeks elapsed before that assembly was convened.

March.—Jan. 1603.

March 19. 1604.

King's speech.

The king, in his speech from the throne, assumed successively the language of the statesman, the historian, and the divine. He commenced by professing his gratitude to the nation, as represented in parliament, for the promptitude and affection with which it had received him. He congratulated his new subjects on the peaceful relations of the kingdom, with regard to Europe;

* Thirty thousand persons are said to have perished in London and its vicinity.

CHAP. V. 1604.

on its internal tranquillity; and on the many advantages which would probably result from that nearer union of Scotland and England, which his accession promised to secure.

But the safeguards of order and prosperity through the kingdom were to be found chiefly in its state with respect to religion; and here, his majesty observes, were difficulties. "At my first coming, although I found but one religion—and that, the one which by myself is professed—publicly allowed, and by law maintained; yet found I another sort of religion, besides a private sect, lurking within the bowels of this nation. The first is the true religion, which by me is professed, and by law is established; the second is those they falsely call catholics, but truly papists; the third, which I call a sect rather than a religion, is the puritans and novelists, who do not so far differ from us in points of religion, as in their confused form of policy and purity—being ever discontented with the present government, and impatient to suffer any superiority, which maketh their sect insufferable in any well-governed commonwealth." It will be here observed, that while nothing short of total suppression or extirpation awaited the party dissenting from the monarch, not so much with respect to religion, as with respect to forms of policy, a more discriminating and moderate course was to be adopted in relation to the subjects of the pontiff. The Roman church was acknowledged to be "our mother church, although defiled with some infirmities and corruptions." The king had accordingly sought to lessen the weight of those burdens

which pressed so heavily on its members, and could that people only be induced to abandon the tenets which stimulated to the dethronement and assassination of protestant sovereigns, he was prepared "to meet them in the midway, so that all novelties might be removed on either side." The parliament was, in conclusion, admonished, that its deliberations would be more wisely directed in providing for the impartial execution of the good laws already existing, than in adding to their number; and as it was unquestionable that the people were not created for the king, but the king for them, it was on the other hand equally plain, that nothing should be allowed to impede the due exercise of that authority, which must ever belong to the sovereign, as "the great servant of the commonwealth."*

The part of his majesty's address which would prove least acceptable to a numerous and a formidable portion of his auditory, was that which betrayed a disposition to persecute the nonconformists, however conscientious, and, at the same time, to attempt a sort of union between Canterbury and the Vatican. A policy more unwise could hardly have been conceived; and language more imprudent could scarcely have proceeded from the throne. The speech containing these expressions includes some correct and important sentiments; but they are evidently things culled from books, and, being introduced with little taste, and as little good intention, served scarcely any

* Parl. Hist. I. 977—988.

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other end than that to which the flattery of courtiers applied them. On some points of civil liberty the language of the new sovereign was liable to objection; but the advocates of that cause had been more directly offended by some singularities in the proclamation which had required them to assemble.

The king's proclamation—its unconstitutional character.

In that document the king not only ventured to prescribe various regulations to be observed in the ensuing elections; but had assumed the right of judging in numerous matters relating to the return of members, contrary to the privileges of the commons in that respect, so firmly established during the last reign. And the penalties of fine and imprisonment were denounced indiscriminately against those who should disregard a royal mandate, and those who should violate the statutes of the realm.*

The monarch expected the submission of the prelates and of the lords, and he was not deceived. But from the conduct of the puritan party in the lower house, and from the impression which it produced, it soon became evident that he had thought too meanly both of the number, and the talent, of that body. The men who had extorted concessions from the pride and the power of Elizabeth, saw nothing in the character or circumstances of her successor that could render their efforts less hopeful. Unfortunately, James had already committed himself as their enemy; and

* Rymer, XVI. 561. "We do also admonish," said the king, "that there be great care taken to avoid the choice of any persons, either noted for their superstitious blindness one way, or for their turbulent humours other ways; because their disorderly and unquiet spirits will disturb all the discreet and modest proceedings in that greatest and gravest council."—Parl. Hist. I. 968. The sheriffs were also instructed to omit the return of members for the decayed boroughs.—Ibid.

the policy which flattery, together with his natural temper and acquired tastes, had led him to adopt, became a point from which the same causes would never allow him to recede.

Speaker's address.

The commons having as usual chosen their speaker, the customary address of that officer to the sovereign declared the constitutional authority of the crown, and of the two houses assembled. It was observed, that "by the power of his majesty's great and high court of parliament only, new laws are to be instituted, imperfect laws reformed, and inconvenient laws abrogated, whose power therein is such and so absolute, that no such laws can either be instituted, reformed, or abrogated, but by the unity of the commons' agreement, the lords' accord, and your majesty's royal and regal assent—for that this court standeth compounded of two powers, the one ordinary, the other absolute; ordinary in the lords' and commons' proceedings, but in your highness absolute, either negatively to frustrate, or affirmatively to confirm, but not to institute. The body of which court, or council of state, consisteth of two houses, the one the lower house of parliament, the members whereof are the knights of shires, and burgesses of towns, and corporations; the other the higher house, formed of the lords spiritual and temporal."* It is important to be remembered in this place, that the men who were unanimous in avowing and recording these doctrines, constituted the first English house of commons under a Stuart sovereign. It will be observed, that the authority of parliaments, and the limits of prerogative, which

Its important statements.

* Parl. Hist. II. 989.

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are so cautiously stated in the preceding extract, are stated as matters long since determined by the law, and confirmed by the practice of the nation. To the king, such explicit statements as to the legislative authority of a popular assembly, could not have been altogether welcome. Nor could the parties announcing them have been ignorant of those encroachments on the part of the crown which had disfigured the practice of the government in some preceding reigns. But such inroads of power were regarded as the infringement of legal rights; and it is proper distinctly to notice, that the struggle between the Stuart princes and the English people, even in this early stage, was one of precedent. Had the advocates of popular liberty been obliged to regard themselves as broaching novel theories, they would not have found it difficult to show that they were theories constructed on the noblest views of religion and society. But they were rather contending for the old, as opposed to the new; and not so much for abstract speculations, as for the security of chartered rights — rights which patriot ancestors had established, and which, amid all subsequent corruption, none had presumed directly to assail.

The case of Sir Francis Godwin.

Among other novelties, in the royal proclamation, it was declared that no outlaw should be returned, or if returned, that no such person should be eligible to a seat in parliament.* Under that plea, Sir

* Parl. Hist. 968. The apologists of the Stuarts are fond of appealing in their behalf to the frequently arbitrary conduct of the Tudors. I do not find that the following case has been cited; it belongs to the year 1562, and shows what was understood to be the law on this point at the commencement of the reign of Elizabeth. I need not repeat that parliamentary privileges were watched with greater jealousy, and much extended before the queen's death. "John Smith returned burgess for Camelford, upon a declara-

Francis Godwin, who had been chosen to represent the county of Buckingham, was rejected by the clerk of the crown; and Sir John Fortescue, a member of the council, was returned in his place, by means of a second writ. The commons, however, interfered, asserting that the right of judging with respect to disputed elections pertained solely to themselves; and, proceeding to examine the case of Godwin, they pronounced him eligible, and duly chosen. The judges delivered an opinion in favour of Fortescue, but the commons refused to submit to that decision,* or to confer with the lords on the subject. A committee was at length appointed to debate the matter with the judges, in the presence of the king. James wished it to appear as though the dispute had ended by mutual concession, but the result, to the representatives of the people, was

tion by Mr. Marsh, that he had come to this house being outlawed, and also had deceived divers merchants in London, taking wares of them to the sum of 300*l.* minding to defraud them of the same, under colour of the privilege of this house. The examination hereof committed to Sir John Mason, and others of this house, was found and reported to be true." The motion for depriving Smith of his place in the house was lost by a majority of 112 to 107. There does not appear to have been any doubt entertained, either as to the fact of Smith's being an outlaw, or even of his having intended to make the most fraudulent use of his privilege as a member. To judge of the conduct of James in the case noticed in the text, it will be proper to bear this case in mind.—Parl. Hist. I. 677. Compare it with Hume, *ubi supra.*

* This appeal from the law-makers to the interpreters of the law, will frequently occur in these pages. The light in which such appeals were regarded by the popular leaders in the commons, is suggested by their conduct in the instance above referred to, and still more by the following case, as cited in their defence: "In the memorable case of Thorp, which happened 31 Henry VI. the judges being asked their opinions by the lords, answered in these words: 'It has not been used before time, nor becomes it us to determine matters concerning the high court of parliament, which is so high and mighty in its nature, that it is judge of the law, and makes that to be law which is not law, and that to be no law which is, and the determination of its privileges belongs to the lords in parliament, and not to the justices.'" Parl. Hist. I. 392, 1037.

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a decisive victory. It was agreed, that both Sir Francis Godwin and Sir John Fortescue should be put aside. But the warrant for a new writ was issued by order of the commons through their speaker; and the right of that body to the sole judgment of such matters, has never since been disputed. The learning and spirit with which its members supported their claim, alarmed their opponents. The proceeding altogether exhibited an admirable mixture of firmness and decorum.*

Question of the union.

The next measure of importance submitted to this parliament was the projected union of Scotland and England. This was a point in which the feelings of James were deeply interested; but the commons saw it clogged with difficulties, and the nomination of commissioners to deliberate on the subject was the extent of their proceedings in relation to it during this session. While the affair was thus pending, a book, purporting to exhibit the advantages of the proposed union, was published by the Bishop of Bristol. The commons professed to be deeply offended at this proceeding, as tending to induce a pre-judgment of the case, and to endanger the repose of both kingdoms; nor were they to be appeased until the officious churchman had appeared at their bar, acknowledging his misconduct, and declaring himself penitent—so imperfect was

* It was true that Godwin had been outlawed, but it was contended that the sentence had been remitted by "his majesty's general pardon at his inauguration."—Winwood, II. 19. Cecil affects to make light of the issue of this dispute, but his manner indicates that he knew much importance to be attached to it in other quarters.—Ibid. Parl. Hist. I. 998—1017. Sir Francis Bacon stated to the commons in behalf of the king, that his majesty judged the lower house to be "a court of record, and a judge of returns."—Ibid, 1015. This was conceding the whole of its claim.

the estimate of freedom, at this time, even with its most enlightened advocates.*

It was not a little distressing to the king to find his favourite scheme entertained with so much coldness and suspicion. His perplexities were much increased, on learning that his eloquence at Hampton Court had by no means silenced the complaints of the puritans. Such was the temper in which the cause of that party was taken up in the commons, that it was considered prudent, notwithstanding the king's recent declaration that no further concessions should be made, to submit to the formalities of a conference between a committee of the lords, and of the lower house, on the subject of ecclesiastical reform. In this conference it was urged that the subscription of ministers should be required with respect to articles of faith only; that all persons admitted to ordination should be of a blameless life, and men whose capacity as preachers should be attested by six preaching clergymen in the county where they resided; that pluralities and non-residence should be unlawful; that livings under twenty pounds a year (the incumbent being a preacher) should be raised to a more adequate amount; and finally, that no faithful laborious minister should be deprived for refusing to wear the surplice, or to use the cross in baptism. By this committee a petition was drawn up to be presented to the sovereign, touching upon nearly all the particulars to which the complaints of the puritans had referred, and earnestly deprecating their being enforced. The matters of

* The book was said to contain "sundry slanderous passages, tending to murmurs, distraction, and sedition."—Parl. Hist. I. 1038.

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grievance, it is said, were these: the "pressing the use of certain rites and ceremonies of the church, as the cross in baptism, the wearing of the surplice in ordinary parish churches, and the subscription required of ministers, further than is commanded by the laws of the realm—things which, by long experience, have been found the occasions of such difference, trouble, and contention in the church, as thereby divers profitable and painful ministers, not in contempt of authority or desire of novelty, as they sincerely profess and we are verily persuaded, but upon conscience towards God refusing the same, some of good desert, have been deprived, others of good expectation withheld from entering into the ministry, and way given to ignorant and unable men, to the great prejudice of the free course and fruitful success of the gospel, to the dangerous advantage of the common adversaries of true religion, and to the great grief and discomfort of many of your majesty's most faithful and loyal subjects."*

* Parl. Hist. I. 1023—1026. It was in the following language that the commons referred to these topics of dispute at the close of the session; "For matter of religion, it will appear by examination of truth and right, that your majesty should be misinformed, if any man should deliver that the kings of England have any absolute power in themselves, either to alter religion, (which God defend should be in the power of any mortal man whatsoever) or to make any laws concerning the same, otherwise than as in temporal causes, by consent of parliament. We have, and shall at all times, by our oaths acknowledge that your majesty is sovereign lord and supreme governor in both. Touching our own desires and proceedings therein, they have not been a little misconceived and misreported. We have not come in any puritan or Brownish spirit to introduce their party, or to work the subversion of the state ecclesiastical as now it standeth, things so far and so clearly from our meaning, as that with uniform consent, in the beginning of this parliament, we committed to the Tower a man who out of that humour, in a petition exhibited to our house, had slandered the bishops. We disputed not of matters of faith and doctrine; our desire was peace only, and our device of unity; how this lamentable and long lurking dissension among the ministers, from which both atheism, sects, and all ill life have

This petition appears to have been urged and opposed with equal vehemence; but as the king was powerfully aided by the lords, and by the dependants of the court in the lower house, the petitioners were obliged to be satisfied for the present with some very partial compliances.

From the debates on these subjects, the lord treasurer called the attention of the house to the state of the exchequer. The duties at the ports, called tonnage and poundage, were granted to the sovereign on his accession, as a matter of course, and as a permanent part of the revenue. With this grant the commons were solicited to connect a subsidy.

Question of privilege.

Instead, however, of immediately attending to this request, they occupied themselves through several days with a matter of privilege. One of their number had been committed to the Fleet prison, and the serjeant-at-arms was immediately dispatched to demand his liberation. The warden, on refusing compliance, was brought before the house; but though detained a prisoner, and threatened with severe punishment as due to his contempt, he persisted, during three examinations, in

received such encouragement, and such dangerous increase, might at length, before help come too late, be extinguished. And for the ways of this peace we are not at all addicted to our own inventions, but ready to embrace any fit way that may be offered; neither desire we so much that any man in regard of weakness of conscience may be exempted after parliament from obedience unto laws established, as that in this parliament such laws may be enacted, as by the relinquishment of some few ceremonies of small importance, or by any better way, a perpetual uniformity may be enjoined and observed. Our desire hath also been to reform certain abuses crept into the ecclesiastical state even as into the temporal. And lastly, that the land might be furnished with a learned, religious, and godly ministry; for the maintenance of whom we would have granted no small contributions, had we found that correspondency from others which was expected."—Ibid, I. 1039.

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a determination not to release the man committed to his custody. This freedom from arrest, on account of any matter not falling under the cognizance of criminal law, was regarded by the commons as an important immunity, and, as such, had been secured with a caution approaching to excess, under Elizabeth. This privilege there was now an evident attempt to invade, and the meditated encroachment was encountered with a most determined resistance. Hence the firmness of the warden was at length subdued, partly by the "discomfort of the lodgings" allotted to him in the Tower, but chiefly, as it was rumoured, by a private message from the king. He appeared on his knees at the bar of the commons, the absent member being restored to his place, and acknowledged "his error and presumption, professing that he was unfeignedly sorry that he had so offended that honourable house."

Subsidy delayed.

This affair being thus successfully adjusted, the question of a subsidy was again introduced. But, from the temper with which the discussion relating to it was conducted, there was little room to hope that the request of the treasurer, moderate as it was, would be complied with. To avoid the mortification of a refusal from his first parliament, James sent a message to the house, stating that for several

Jan. 26.

reasons which did not before occur to him, he considered it desirable that his faithful subjects should not be immediately called to bear the pecu-

Parliament prorogued, Feb. 7.

niary burden which had been proposed to them. Eleven days later the parliament was prorogued." *

* Parl. Hist. I. 1028—1030. 1044, 1045. The French ambassador thought the house of commons governed by the puritans.—Mémoires de la Boderie,

CHAP. V.

1604.

Address of the commons to the king.

Before that event, however, the commons prepared a remonstrance to be presented to the king, containing a suitable notice of the several matters which, since their assembling, had called forth the language of complaint from opposite quarters. In this interesting document it is particularly regretted, that attempts should have been made to mislead the judgment of his majesty with respect to "the ancient rights of the subjects of this realm." Liberties which some men had presumed to describe as enjoyed by pure favour from the crown, are declared to be the inheritance of Englishmen; the decision of contested elections, which such persons would refer to the court of chancery, was claimed as resting solely and legally with the house to which such elections relate; and the proposal to abolish assarts, wardships, and purveyance, which the same parties had represented as an invasion of the prerogative, is affirmed to have been merely the

I. 81. The following letter will show the altered judgment which James had by this time been compelled to form as to the strength of that party. "My faithful 3: such is now my misfortune as I must be for this time secretary to the devil in answering your letters directed unto him. That the entering now into the matter of the subsidy should be deferred until the council's next meeting with me, I think no ways convenient, especially for three reasons. First, yee see it has been already longest delayed of anything, and yet yee see the longer and further from it, and (as in every thing that concerns mee) delay of time does never turn them towards me, but by the contrary, every hour breedeth a new trick of contradiction amongst them, and every day produces new matter of sedition, so fertile are their brains in ever buttering forth venom. Next, the parliament is now so very near an end as this matter can suffer no longer delay. And thirdly, if this be not granted unto before they receive my answer to their petition, it needs never to be moved, for the will of man or angel cannot devise a pleasing answer to their proposition, except I should pull the crown not only from my own head, but also from the head of all those who shall succeed unto me, and lay it down at their feet. And that freedom of uttering my thoughts, which no extremity, nor strait, nor peril of my life could ever bereave me of in time past, shall now remain with me as long as the soul shall with the body. And

CHAP. V. 1604.

expression of a wish that such customs might be substituted by some equivalent, in the shape of annual revenue. By this simple process, a number of evils and abuses would be at once removed, the only sufferers being the dishonest and the rapacious in the king's household, or about the royal person. With respect to religion, it was observed, no change had been proposed, except as relating to some points of discipline, and to a few obnoxious ceremonies, all of which, it was thought, might be safely and innocently reformed, or left indifferent; and it was deemed important to add, that to effect such alterations pertained not to the king, "otherwise than, as in temporal causes, by consent of parliament."*

We have dwelt the longer on the proceedings of this session, not only from its being the first under the Stuart dynasty, but because it was evidently

as for the reservations of the bill of tonnage and poundage, ye of the upper house must out of your love and discretion help it again, or otherwise they will in this, as in all things else that concerns mee, wrack both me and all my posterity. Ye may impart this to little 10 and bigg Suffolk. And so farewell from my wilderness, which I had rather live in (as God shall judge me) like an hermit in this forest, than be a king over such a people as *the pack of puritans are that overrules the lower house.*" Mr. Hallam, who has printed this curious letter from the private MS. observes that by 10 we are to understand Salisbury (Sir Robert Cecil), but is in doubt whether 3 should be referred to the Earl of Dunbar. It appears, however, from a notice in Birch's Memoirs, (II. 514) that in the secret correspondence which Cecil commenced with James soon after the death of Essex, 30 stood for the king, 10 for Cecil, and 3 for Lord Henry Howard. We find the latter with the king soon after his coming to England, (Winwood, II. 48) and possessing considerable influence over him.

* This paper, which is said to have been "penned and agreed by a select committee," was presented to the house by Sir Thomas Ridgeway, one of its members. The journals contain only the first paragraph. It is referred to in the preface to Truth brought to Light, was published by Sir Matthew Hales, and may be seen in Petyt's Jus Parliamentaria. Mr. Hallam remarks that it was unknown to Carte and Hume. But this is a mistake, as it respects

the solicitude both of the king and of the commons, that their conduct at this crisis should include no precedent unfavourable to their respective pretensions with regard to the English constitution. From a review of the sharp disputes which arose during this brief interval, between the king and his subjects, the reader will perhaps consider the monarch as deserving sympathy, who had been led to credit so many false assurances as to the sentiments of Englishmen with respect to regal power. But it must remain also with every such reader to decide whether the prince who could adhere so fondly to such assurances, after their falsehood had been so fully exposed, be not as much deserving of censure as of apology. It is certain that, even from this early period of his reign, the sins of James, in this respect, were not those of ignorance. He may sometimes have questioned the validity of the precedents which were so industriously adduced in favour of popular rights; but the feeling of the English people, as connected with such topics, ought not to have been any longer a matter of un-

Hume: that writer attributes the piece to the pen of Sir Francis Bacon and Sir Edwin Sandys, (James I. note C.) but insinuates that its strain of freedom was "much beyond the principles of the age," and that it fell to the ground on that account; and to make this insinuation effective, he asserts what is untrue, viz. that "there is *no hint* of it in the journals." It did not occur to him that all the great principles of this perplexing document were to be found in the speaker's address at the opening of the parliament, and that address certainly reached the ear of royalty. I find, however, that this memorable remonstrance is adverted to in the debates of the lower house in 1621, and in a way which renders it certain that it had obtained the formal sanction of that assembly.—Parl. Hist. I. 1030—1042. 1335, *et seq.* The speaker's address at the conclusion of the session is a production eminently characteristic of the age; and shows, moreover, that the commons, who were so often instructed from the throne, could sometimes play the schoolmaster in return—Parl. Hist. I. 1048—1051.

CHAP. V. 1604.

certainty. Unhappily, the prelates of the Anglican church vied with the sovereign in their admiration of the policy which regards the many as existing only to subserve the elevation and the splendour of the individual or the few. Such were not the sentiments of the body of the people: a struggle was inevitable; and without some timely concessions on the part of the governing, it was not difficult to foresee that a spirit of discontent and violence would ere long become unmanageable in the governed.

CHAP. VI.

PROCEEDINGS OF THE CONVOCATION.

ANCIENT STATE OF ECCLESIASTICAL COUNCILS.—STATE OF THE HOUSES OF CONVOCATION IN ENGLAND FROM THE TIME OF HENRY VIII.—BOOK OF CANONS PASSED IN 1604.—ITS INTOLERANCE.—A PETITION IN FAVOUR OF THE PURITANS REJECTED.—SPEECH OF DR. RUDD.

WHILE the two houses were thus employed, the clergy met in convocation. Before the age of Luther every state had its convocation, or ecclesiastical parliament. In England this body was divided into two parts, consisting of the ruling churchmen, and of representatives from the inferior clergy; as the secular parliament consisted of peers, and the representatives of the people. And as the interests which brought the lay and clerical assemblies together were different, the places of their meeting were separate. The clerical senate exercised a legislative power with respect to matters purely ecclesiastical. It was however by a vote of that assembly only that the monarch could obtain supplies from this opulent class of his subjects. It was chiefly through this medium also that the pontiffs contrived to replenish their treasury. The proceedings of ecclesiastical convocations were in consequence watched with mutual jealousy by popes and sovereigns, both of whom frequently asserted their own legislative power to be superior to that of

Ancient state of ecclesiastical councils.

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any such body, claiming the authority of sovereigns with regard to the wealth of the priesthood.

Sometime, however, before the reign of Henry VIII. the authority of an English convocation was reduced, in many important respects, to a state of dependence on the civil power; and under that monarch an assembly of this sort was led to dissolve its connexion with Rome in the most absolute terms, and so far to submit to the will of the sovereign as to enact that no measure agreed to by any future convocation should become a law without obtaining the royal assent. By this step the system which had so long exposed the wealth of England to the rapacious influence of the papal court was abolished; and that independence of the clergy with regard to the civil power, which was so long and so sternly defended by Thomas à Becket and his disciples, was destroyed for ever.

State of the houses of convocation in England, from the time of Henry VIII.

From this period the houses of convocation could merely report or advise, and, in short, act as a sort of committee for ecclesiastical affairs. They might consist of the ministers of the established religion; these ministers might be selected from among the wisest of their order, and they might freely deliberate as to the discipline or the worship most clearly enjoined in the Scriptures, or most congenial with the spirit of Christianity; but their opinions, however laboriously formed, and however wise, were to become received opinions only as examined and approved by the ultimate wisdom of a lay tribunal—the acts of the church being invalid and useless unless followed by an act of the state. Such is the reaction generally produced by the abuse of power. It

rarely stops at the correction of what is wrong, but commonly extends its resentment to an invasion of what is right. The man who inflicts slavery should be prepared to endure it; for the connexion is not remote between an elevation effected by injustice, and a degradation effected by the same means. Surely some middle course might be found between the pure despotism of the clergy as intended by Becket, and that pure despotism of the laity which is secured by the letter of the English constitution. This theory not only supposes the lay synod to be more tolerant on religious subjects than the clerical, which has generally been the fact; but also that it is better informed on those subjects, which never has been the case, and is never likely to be.

This subjugation of the church to the state, which so many struggles had tended to promote, and which the reformation served to complete, was perpetuated with the utmost solicitude during the reign of Elizabeth. But while the queen affirmed that this supremacy in ecclesiastical affairs resided solely in herself and her ecclesiastical commissioners, the commons insisted that it was a power which parliament had delegated to the crown, which was still subject to the cognizance of parliament, and which it might recal at pleasure, In this dispute the most able ministers of Elizabeth generally found it necessary to take the popular side, particularly when endeavouring to protect their mistress from the reproaches frequently cast upon her by the catholic powers. Nothing can be more explicit as to this supremacy of parliament with regard both to civil and ecclesiastical affairs,

CHAP. VI. 1593.

than the language of Lord Burleigh in a letter to his son, afterwards Sir Robert Cecil. It is as follows: "The allegation of the popish ministers at Paris, noting that her majesty did promise favour, and afterwards did show extremities to the catholics, is false. For her majesty at her entry prohibited all change in the form of religion as she found it by law, and when by law it was otherwise ordered by parliament, she did command the observation of the law newly established, punishing only the offenders according to law. And afterwards, when offenders of the church did become rebels and traitors, and compassed her majesty's death, and procured invasion of the realm by strange forces, the realm by parliament provided more sharp laws against such rebels and traitors, and so her majesty's actions are justifiable at all times, having never punished any evil subject but by warrant of law."*

We must here remark again, that the constitution of the hierarchy was modified and placed in its present form by the convocation which assembled with Elizabeth's first parliament. Those articles which, from their relating immediately to the great doctrines of protestantism, were called the articles of religion, were equally approved by

* Murdin's State Papers, p. 666. James would gladly have lessened the authority of the commons on all questions of privilege or law, by appeals to the judges, who were more easily managed. Soon after this time he attempted the same thing with regard to ecclesiastical affairs, by proposing that the house should not meddle with such matters without conferring with the houses of convocation. But this the commons rejected, as without precedent, and injurious to their rights. They professed themselves willing to confer with the bishops as lords of parliament.—Journals of Commons, I. 173.

the puritans and by their opponents. But there were others relating to matters of church authority, and especially to religious ceremonies, concerning which there was so much divided opinion, that the formularies which gave offence to the puritan party were retained, it will be remembered, by a single vote. The whole of these had obtained the sanction of law under Edward VI. and the laws of that monarch were restored, in general terms, on the queen's accession, but it was considered important that they should obtain a new confirmation from the legislature in their amended form. This, however, was not agreeable to the sentiments of the puritans in the commons, and their influence in that house was sufficient to prevent its being given.

The patriotic Wentworth has placed the motives which influenced himself and his party on this point beyond doubt. In the parliament of 1575, when complaining of the infringement of the liberties of the commons by royal messages, and attributing such invasions of the privilege of the house to the secret influence of the prelates, he spoke as follows: "I have heard of old parliament men, that the banishment of the pope and popery, and the restoring of true religion, had their beginning from this house and not from the bishops; and I have heard that few laws for religion had their foundation from them.—I was, amongst others, the last parliament sent unto the Archbishop of Canterbury for the articles of religion that then passed this house. He asked us why we did put out of the book the articles for the homilies, consecrating of bishops, and such like? 'Surely, sir,' said I, 'because

CHAP. VI. 1604.

we were so occupied in other matters that we had not time to examine them how they agreed with the word of God.' 'What,' said he, 'surely you mistook the matter; you will refer yourselves wholly to us therein?' 'No, by the faith I bear to God,' said I, 'we will pass nothing before we understand what it is, for that were but to make you popes; make you popes who list,' said I, 'for we will make you none.' And surely, Mr. Speaker, the speech seemed to me to be a pope-like speech, and I fear lest our bishops do attribute this of the pope's canons unto themselves — 'papa non potest errare;' for surely, if they did not, they would reform things amiss."* It thus appears that the parliament limited its sanction to the articles of religion, and left the merit or disgrace of the measures adopted, with regard to the nonconformists, to rest entirely upon the queen and the clergy. Hence, when the puritans were accused of resisting the will of the sovereign, they accused their enemies, in return, of usurping the place of the legislature. The matters which the ruling clergy chose to enforce as necessary, were those which the parliament had left indifferent. They professed themselves willing to conform, as far as the law required, by subscribing the articles which the law had established; and they denied the right of their superiors to exact any further obedience from them. This denial, however, was of little effect; and all the parliament could do was to reiterate its dissatisfaction with the lawless severity by

* Parl. Hist. I. 790. One would like to have witnessed such an interview between two such men as Wentworth and Parker.

which the most valuable portion of the clergy were so frequently harassed or proscribed.

1604.

Much of the fate attending the first convocation under Elizabeth was attendant on that which was assembled soon after the accession of James. Bancroft, who presided, produced the royal licence which empowered the assembly to frame such canons as should appear to be important; and a book, including nearly a hundred and fifty regulations, was speedily adopted. The sentence of excommunication was pronounced on all who should declare that convocation to be no true representation of the church of England; or who should affirm any persons, either of the clergy or the laity, to be exempt from its authority. But these decrees, though confirmed by the king, never obtained the sanction of parliament; and, after a time, they were treated by the courts of law as binding on the clergy alone—the clergy being alone represented in the body from which they had emanated. The chief object of Bancroft, in preparing this formidable code of laws, which his brethren were so ready to adopt, and which to this day are unrepealed, was the suppression of puritanism. And, if curses could have effected his design, its accomplishment was certain. The man who was excommunicated, *ipso facto*, was not only separated from the communion of the faithful, but was rendered incapable of suing for his lawful debts; and, beside being subject to many other serious inconveniences, was, at last, denied the poor privilege of christian burial. Of the first twelve canons passed in the convocation, nine are

Book of canons passed in 1604.

Its intolerance.

CHAP. VI. 1604.

enforced with this penalty. The man who should describe the church of England as not "apostolical,"—the book of common prayer as containing "any thing repugnant to scripture,"—or who should separate from the established church, or affirm any assembly so separated to be a lawful church—was to be thus doomed to much privation and suffering, during life; to be treated as an outcast from humanity at death; and, as far as the tender mercies of these saintly clerks could secure it, was then to descend into a place of deeper torment than purgatory,—the region to which hope can never come! In the primitive church, the sentence of excommunication was never resorted to, except with regard to persons who were considered as having rejected christianity, and then it merely separated the offender from certain religious privileges, which, as a person lost to religious feeling, he could not be expected to appreciate or improve. But, in the esteem of the spiritual shepherds of this country, two centuries since, to assert that the government of the church by archbishops and bishops, deans and archdeacons, is not scriptural, was one among a class of offences for which separation from the communion of christians in this world and the next was not punishment sufficient; and they, accordingly, pursued every such delinquent so as to make his suffering in this world a kind of anticipation of the next.* These barbarous

* See on this subject: Winwood, II. 15. Sir Francis Bacon. Works, VII. 89, 90. Parl. Hist. II. 1136, 1137. It should be remembered that the secular penalties attached to the sentence of excommunication were frequently provided against, in the case of the laity, by means of prohibitions from Westminster. But these were now denied to the clergy. See p. 143.

laws, though happily long since obsolete, still exist, and, like those silent memorials of the old Druidical tyranny still remaining with us, would seem to exist, merely to remind us of what we were.

Petition in favour of the puritans rejected.

A petition was presented to the convocation by some puritan divines, praying for a revision of the book of common prayer, but it was rejected; and the petitioners were informed, that such of their party as should refuse to conform, after the interval of a few weeks, would be dealt with according to the canons. Dr. Rudd, bishop of St. David's, ventured to question both the justice and the policy of these proceedings. He suggested that erroneous opinions should be assailed with the weapons of reason in preference to those of authority; he intimated that the men on whom the proposed severities would fall, were a numerous and learned body, whose place could not be at present supplied by persons possessing any hopeful measure of their ability or acquirement. His brethren, the prelates, were also urged to remember, that the odium of expelling such incumbents must rest wholly on themselves, and that such a service would not only bring upon them the resentment of the sufferers, but that of the large body of the people, who were known to be attached to them.* The man who

Speech of Dr. Rudd.

* "To conclude," he remarks, "I wish that if by petition made to the king's majesty, there cannot be obtained a quite (full) remove of the premises, which seem too grievous to divers, nor yet a toleration for them which be of the more staid and temperate carriage; yet at the least there might be procured a mitigation of the penalty if they cannot be drawn by our reasons to a conformity with us." The bishops of London, Winchester, Ely, and Lincoln spoke in opposition to these moderate counsels.—Peirce's Vindication, p. 158—164. Rudd speaks of having been excluded, with some others, from the conference at Hampton court, on the day when the two parties assembled, and the circumstance has been justly noticed as showing that

CHAP. VI. 1604.

dared thus to lift up the voice of reason, amid the triumphant clamours of bigotry, should be remembered with honour. His brethren not only failed to sympathise with his enlightened philanthropy, but having opposed his sentiments with much warmth, contrived to prevent his being heard in reply.*

meeting to have been a packed one with regard to the orthodox as well as the puritans.

The history of this convocation will not be thought to plead much for that greater liberty to such assemblies which I have appeared to advocate in a preceding page. But in truth I am not concerned for any such liberty, if convocations are to have the power of palming their decisions on other men, even in the case of their own order. And, perhaps, the present kind of union between church and state does not admit of any more natural relation between these powers. It is still true, however, that in the history of the English constitution, the abuses of church authority before the Reformation, have destroyed its uses since. Churchmen have laboured to render their *moral* authority *political*, and in so doing have lost it altogether.

There is scarcely another topic in English history on which so much confusion prevails among our best writers, as with respect to the real power of the crown in ecclesiastical affairs. When the parliament adopted the protestant religion on the accession of Elizabeth, was this the last function of that assembly with regard to the church? The sovereign and the prelates soon became concerned to have matters thus understood; and our historians, judging on this point, as it appears to me, more from the practice of the government than from the law or spirit of the constitution, have generally seemed to be much of this opinion. Nothing, however, is more certain, than that this was far from being the judgment of parliament itself, especially of the commons. The tenour of its speeches, and of its conduct, on this subject, was given by the lower house in 1604, when stating—that the crown has no power to legislate for the church, "*otherwise than as in temporal causes, by consent of parliament.*" Much, therefore, in the subsequent conduct of parliaments, which has been branded as flagrant innovation, was merely the exercise of a right which had always been asserted. To this right the ecclesiastical supremacy of the crown, and its instrument, the high-commission court, long formed a successful antagonist, by becoming both a legislative and executive power. See p. 121—126.

* Ibid. Dr. Rudd's speech was printed from the MS. in Peirce's Vindication of the Dissenters. I find a copy of it among the Lansdowne MSS. in the British Museum.

CHAP. VII.

PROCEEDINGS AGAINST THE PURITANS.

UNCONSTITUTIONAL PROCEEDINGS OF THE KING, THE CLERGY, AND THE JUDGES.—LETTER OF THE ARCHBISHOP OF YORK ON THE DIFFERENT CHARACTER AND TREATMENT OF CATHOLICS AND PURITANS.—SUFFERINGS OF THE PURITANS.—STATE OF THE PURITAN CONTROVERSY AT THIS TIME.

Unconstitutional proceedings of the king, the clergy, and the judges.

It was inevitable that much doubt should be entertained as to the authority of the new canons while unsanctioned by parliament, and still greater doubt evidently existed as to the probability of obtaining such a confirmation of them. The judges were, in consequence, summoned to appear before the king, in the star-chamber, and were required to answer three questions bearing upon this point. The substance of their reply was, "that the king, without the parliament, might make orders and constitutions for the government of the clergy, and might deprive them if they obeyed not; and that so the commissioners might deprive them; but that the commissioners could not make any new constitutions without the king: and that persons who framed petitions, and collected a multitude of hands thereto, to prefer to the king, in a public cause, as the puritans had done, with an intimation to the king that, if he denied their suit, many thousands of his subjects would be discontented, were persons chargeable

CHAP. VII. 1604.

with an offence finable at discretion, and very near to treason and felony." The object of this preliminary measure is manifest. The king was to be freed from any interference of parliament in relation to the church, and the refractory among the puritan clergy were not only to be deprived of their livings, but to be denied the right of giving any expression to their sense of injury. To this scheme, not more opposed to the constitution than to sound policy, the twelve judges, and all the lords in attendance, gave their assent! *

The book of canons was accordingly sanctioned by letters patent from the sovereign, and, as far as its provisions related to the clergy, preparations were made for enforcing them without delay. But there were churchmen who could look on the scruples of the puritans with less prejudice and passion than Bancroft, and who were equally removed from that childish horror of them which had evidently taken possession of the king's mind.

Letter of the Archbishop of York, on the different character and treatment of catholics and puritans.

Matthew Hutton, archbishop of York, had watched the proceedings of this body from the commencement of the last reign, and had greatly deplored them; but, in a letter to Lord Cranborne, he bears an honourable testimony to their general character, and intimates his judgment of the policy now adopted toward them.—"I have received letters from your lordship, and others of his majesty's most honourable privy council, containing

1604. Dec. 18.

* Neal, II. 35—37. Yet Sir Dudley Carlton remarks about this time, "The prerogative finds more friends among the lords, but the judges and attorney plead hard for the law."—Winwood, II. 44. See also Dalrymple's Memorials, I. 22—25.

two points. First, that the puritans be proceeded against according to law, except they conform themselves. Secondly, that good care be had unto greedy patrons, that none be admitted in their places but such as are conformable, and otherwise worthy for their virtue and learning. I have written to the three bishops of the province, and, in their absence, to their chancellors, to have a special care of this service; and therein have sent copies of your letters, and will take present order within my own diocese. I wish with all my heart that the like order were taken and given, not only to all bishops, but to all magistrates and justices, &c. to proceed against papists and recusants, who of late, partly by this round dealing against puritans, and partly by reason of some extraordinary favour, have grown mightily in number, courage, and influence.

"The puritans, whose fantastical zeal I dislike, though they differ in ceremonies and accidents, yet they agree with us in substance of religion; and I think *all*, or the *most part* of them, *love his majesty and the present estate*, and I hope will yield to conformity. But the papists are opposite and contrary in very substantial points of religion, and cannot but wish the pope's authority and popish religion to be established. I assure your lordship 'tis high time to look unto them: very many are gone from all places to London, and some are come down to this country in great jollity, almost triumphantly. But his majesty, as he hath been brought up in the gospel, and understands religion exceeding well, so he will protect, maintain, and advance it, even unto the end; so

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that, if the gospel shall quail, and popery prevail, it will be imputed principally to your great counsellors, who either procure or yield to grant toleration to some. Good my Lord Cranborne, let me put you in mind that you were born and brought up in true religion. Your worthy father was a worthy instrument to banish superstition and to advance the gospel. Imitate him in this service especially. As for other things, I confess I have not to deal in state matters; yet, as one that honoureth and loveth his most excellent majesty with all my heart, I wish less wasting of the treasure of the realm, and more moderation of the lawful exercise of hunting, both that the poor men's corn may be less spoiled, and other his majesty's subjects more spared."*

Sufferings of the puritans.

During the reign of Elizabeth, courtiers frequently ventured to intercede in behalf of the suffering puritans. But the timidity of James taught him to look on every man of that sect, not only as a schismatic, but as one whose religious errors had converted him into a relentless foe of monarchy. The persecution which resulted from this apprehension on the part of the new monarch was, as a natural consequence, much more severe than that which had proceeded from the lofty pride of his predecessor. Never were the puritans so defenceless as during the present storm. A courtier of the time writes, they "go down on all sides; and though our new bishop of London proceeds but slowly, yet, at last, he hath deprived, silenced, or suspended, all that continue disobedient; in which

1605. Feb. 26.

* Winwood, II. 40.

course he hath won himself great commendations of gravity, wisdom, learning, mildness, and temperance, even among that faction; and, indeed, is held every way the most efficient man of that coat; yet those that are deprived wrangle, and will not be put down, but appeal to the parliament, and seek prohibitions by law; but the judges have all given their opinions that the proceedings against them are lawful, and so they cannot be relieved that way. Then they take another course—to ply the king with petitions, the ringleaders whereof were Sir Richard and Sir Valentine Knightley, Sir Edward Montague, with some three or four score of gentlemen more, that joined in a petition for the ministers of Northamptonshire last week, which was so ill taken that divers of them were convened before the council, and told what danger they had put themselves in by these associations: and that thus combining themselves in a cause against which the king had shown his mislike, both by public act and proclamation, was little less than treason; that the subscribing with so many names were *armatæ preces*, and tended to sedition, as had been manifestly seen heretofore, both in Scotland, France, and Flanders, in the beginning of those troubles."* CHAP. VII. 1605.

The fate of these offenders is thus adverted to by Sir Dudley Carlton. "The poor puritan ministers have been ferreted out in all corners, and some of them suspended, others deprived of their livings. Certain lecturers are silenced, and a crew of gentlemen, of Northamptonshire, who put up a petition to the king in their behalf, told roundly of their Feb. 20.

* Winwood, II. 49.

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boldness both at the council-table and star-chamber. And Sir Francis Hastings, for drawing the petition, and standing to it when he had done, is put from his lieutenancy and justiceship of the peace in his shire. Sir Edward Montague, and Sir Valentine Knightley, for refusing to subscribe to a submission, have the like sentence. The rest, upon acknowledgment of a fault, have no more said to them."*

If, in a single county, nearly a hundred gentlemen could be prevailed with to incur the risk of the king's displeasure, by appearing in favour of the nonconformist clergy, it is folly to pretend that this body, as extended through the kingdom, was inconsiderable. It was affirmed during this reign, and apparently without contradiction, that more than three hundred preachers were at this time deprived of their livings, or silenced, and exposed with their families to the miseries of want. Dr. Heylin, whose authority unsupported is worthless, has attempted to reduce the number to something less than a sixth of that amount.† The puritans, as a matter of course, were concerned to demonstrate the impolicy and cruelty of these measures, and that object would

* Winwood, II. 48. A similar attempt was made by some respectable laymen in the neighbourhood of Royston, and with the same result. "The puritans about Royston, to the number of about seven or eight and twenty, presented to the king, as he was hunting there, a petition in favour of their ministers, a copy thereof I shall be able to send you by the next. The king took in ill part this disorderly proceeding, commanded them presently to depart, and to depute ten of the wisest among them to declare their grievances, which ten were sent to the council, who, after examination, gave them their mittimus. Upon their bail they are bound over to be ready to answer the matter before the lords, when they shall be summoned."—Winwood, II. 36.

† Aer. Rediviv. p. 367.

not be promoted by underrating their sufferings. The opponents of the puritans, on the other hand, have been taught to consider their credit as involved, in reducing the story of puritan wrongs to the narrowest possible compass. It may therefore be, that the statements of both parties are somewhat removed from the truth.* It is beyond doubt that the application of this test was found to affect so large a number of the clergy, that it soon became requisite to distinguish between the shades of their disobedience; and while some of the less manageable were cut off without delay, others were allowed, by a sort of compromise, to retain their pulpits. Such, indeed, had been the comparative feebleness of the anti-puritan party, from the accession of Elizabeth to this time, that a discrimination of this kind had been always necessary, and always acted upon. Concerning the unsettled state of the church, Mr. Chamberlaine, writing to secretary Winwood, remarks, "It is hard to

1605.

1604. Jan. 26.

* Calderwood is the puritan authority on this point, and his words are, "Anno secundo post adventum Regis in Angliam 300 ministri, vel libertate conscionandi mulctati, vel beneficio privati, vel excommunicationis fulmine icti, vel incarcerem conjecti, vel solum vertere coacti; et restauratæ Papatus reliquiæ, quarum usus plerisque locis ante obitum felicissimæ Elizabethæ obsoleverat." — Altare Damascenum. Preface. James read the volume containing this statement, and "being after the reading of it somewhat pensive, and being asked the reason by an English prelate, standing by and observing it, he told him he had seen such a book; upon which the prelate, not willing his majesty should allow such an affair to trouble him, said they would answer it: he replied, not without some passion, 'What will you answer, man? There is nothing here than Scripture, Reason, and Fathers.'"— Ibid. Pref. ed. 1708. Had the exiled historian made the number of his suffering brethren to be six times more than it really was, would the king have judged any attempt towards answering him to have been so useless? The nonconformist clergy in certain counties, amounting to about half the kingdom, were ascertained to be between seven and eight hundred.—Neal, II. 38. It is presumed, on very probable evidence, that in the remaining counties of England and Wales there remained a greater number.

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say what course were best to take; for that more show themselves opposite than was suspected, and the bishops themselves are loth to proceed too rigorously in casting out and depriving so many well-reputed of for life and learning, only the king is constant to have all come to conformity. Though he seek to be very private and retired where he is, yet he is much importuned with petitions on their behalf, and with foolish prophecies of danger to ensue."* It was, accordingly, agreed, that the tares should be allowed to grow, in some measure, with the wheat, until a more compliant race of men could be procured to supply the place of the present malcontents. To secure this object, the utmost care was to be taken, that no scholar from Oxford or Cambridge should be admitted to ordination without a full subscription, "both to the articles of religion, and to the canons put forth by the last convocation."†

State of the puritan controversy at this time.

It has been remarked by a writer, who is as little friendly to the Anglican church as to those who

* Winwood, II. 46.

† "At first," observes a puritan writer, and a contemporary, "subscription was hotly urged, and that not by other bishops only, but even by the now archbishop of Canterbury (Bancroft), at such time as, convening all the ministers of London before him, he took his leave, being to go to the see of Canterbury. But when it was discerned that a far greater number would refuse than was supposed, and than his majesty and the lords had understood would; this second course was taken, that men should be pressed (for the time) only, to conformity; and it being discerned that the number of refusers would still be great, they have since fallen yet lower, accepting of some the use of the cross and surplice only; of others only a promise to use them; and of some the profession of their judgment only, that they may be used, without pressing them to the use of them at all." See "A Short Dialogue, proving that the Ceremonies, and some other Corruptions now in question, are defended by none other Arguments, than such as the Papists have heretofore used, and our Protestant Writers have long since answered." 1605. See also, Parl. Hist. II. 1136, and a letter on this subject, by Bancroft, in Neal, II. 38, 39.

have questioned her pretensions, that it will remain "a difficult task to show on what just ground men could expect to retain their livings, while they refused to subscribe to the doctrine, or to conform to the discipline, of that church by which they were employed."* But it should be remembered that the puritans did not refuse to subscribe to the doctrine of the English church; and, that with respect to discipline, to which alone their complaints referred, their suit simply was, that certain things admitted to be indifferent should not be made indispensable.

Nor should it be overlooked, that the men who were thus expelled from their cures were also prohibited, and that under severe penalties, from assembling to conduct the worship of God after their own manner. If it be admitted that convocations, and parliaments, are authorized to employ their patronage and bounty in support of any particular mode of religious discipline or worship, it will not be easy to show the ground on which they are authorized to punish the men who dissent from the system which has become the object of such preference. Not a few of the persons who regarded the established formularies as sinful, and who relinquished the emoluments conferred on such as complied with them, would have felt content to have been left to themselves, that they might have followed the guidance of their own mind on such points. But this freedom was not to be granted. Such was the state of this controversy, as it now affected the conscientious

* Lingard's Hist. IX. 38.

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puritan. He was required to forego the duty of public worship entirely, or to perform it in a manner which he believed to be displeasing to his Maker.

What the conduct of the puritans would have been had they possessed the power of their persecutors, we can only conjecture. There is much reason to believe that they would, at this time, have been greatly more tolerant. When an archbishop, who knew them well, is in doubt whether any class of them should be considered disaffected to "his majesty, or the present state," we may safely conclude that very moderate concessions would have satisfied the great majority of them.*

* See page 141. There is a curious letter by the prelate referred to, in Murdin's State Papers, dated 1573 (261—263), relating to the origin and progress of the puritan controversy. It is not written without candour, and is the more valuable as coming from one who had witnessed the early as well as the subsequent stages of this conflict. But a comparison of that letter with the one inserted in this chapter from the same person, will show that the puritans were never in so manageable a temper as on the accession of the new dynasty.

Mr. Hume remarks (James I. App.) that the puritans would have scorned the liberty of separating from the church, and James for granting it. But if this was indeed the general feeling of the puritans, why enact laws to prevent separation? The conclusion to be deduced from the conduct of the king and of the prelates is, that there existed a strong disposition toward dissent. And had dissent been tolerated, it is hardly questionable, that dissenting clergymen, and dissenting churches, would soon have become a very formidable body, especially in large towns, and populous districts. In fact, did they not, many of them, actually separate, even in the face of law; and when prosecuted for doing so, did they not quit the kingdom, in great numbers, down to the time of the civil war?

CHAP. VIII.

THE GUNPOWDER TREASON.

FURTHER COMPLAINT OF THE PURITANS.—SUFFERING OF THE CATHOLICS.—CATESBY'S PLOT.—HIS ACCOMPLICES.—PARLIAMENT PROROGUED.—FAWKES' EMBASSY.—PARLIAMENT AGAIN PROROGUED.—SIR EVERARD DIGBY AND FRANCIS TRESHAM JOIN THE CONSPIRACY.—LETTER TO LORD MOUNTEAGLE.—ALARM OF THE CONSPIRATORS.—SUSPICIONS OF THE GOVERNMENT.—ARREST OF FAWKES.—FATE OF HIS ASSOCIATES.—THE PLOT KNOWN TO THE JESUITS, GREENWAY, GERARD, AND GARNET.—ITS CHARACTER.

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Further complaint of the puritans.

THE irritation thus produced among the puritans was much increased by the lenity which was said to be exercised toward popish recusants. In the judgment of the former party, the theological errors of the latter were fatal to salvation; and their opinions, with regard to the authority of the pope in relation to this kingdom, were viewed as equally subversive of its ecclesiastical and its civil freedom. Their own preferences, on the contrary, were at least home-bred and English; the matters of their complaint being such as the authorities of the land were fully competent to remove, or adjust, and such as might easily have been so disposed of as to contribute, in an eminent degree, to the security of the throne, and to the harmony of the entire constitution in church and state. Yet the monarch was now adding to their sufferings, and almost without the semblance of provocation. He had, at the same time, expressed

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himself willing to compromise the dispute with the papist, and had afforded proofs, that offenders of that communion were much less the object of his displeasure than themselves. In searching for the enormities which had exposed them to this singular measure of resentment, they could nowhere detect them, except as consisting in the ardour of their patriotism, or in that laborious zeal with which they sought to diffuse the principles of an enlightened and heartfelt piety.

Sufferings of the catholics.

The catholics, however, were very far from deeming themselves mildly treated. It is scarcely to be doubted, that James, to obtain the suffrage of that party in prospect of his accession, had allowed them to anticipate a release from the intolerant statutes enacted under Elizabeth. But it is certain that he was by no means disposed to go so far, though his inclinations on that subject were evidently more favourable to the sufferers than were those of his parliament. The puritans were not altogether unreasonable in interpreting his forbearance, and his speeches, especially during the first year of his reign, as the evidence of a leaning toward Rome.* But the charge rendered him indignant; and to repel it, and at the same time to procure that aid to his treasury, from other quarters, which the commons had hesitated to supply, the king issued a proclamation which revived the code of his predecessor in all its rigour. That the reproach of papistry might be completely removed, the monarch also pledged himself in the star-chamber, that no pains should be spared to plant

* Winwood, II. 49.

the principles of protestantism in the mind of his offspring. He even went so far, as to express a wish, that should any of his children desert their faith as members of the established church, they might not be allowed to succeed him.* The parliament had prohibited the resort of English subjects to foreign seminaries, and also the assumption of the office of tutor or schoolmaster, except by persons obtaining the licence of their diocesans. By the royal proclamation, it was also provided, that all catholic missionaries should be immediately banished the kingdom, and that the statutes against recusants should be executed without restriction or delay. It should likewise be added, that the fines thus levied were the more reluctantly complied with, as the amount was generally transferred from the purse of the Englishman to that of the Scot—the rapacity of that class of foreigners in the train of the monarch being a principal cause of his embarrassment, and of the reluctance evinced by the house of commons, in the recent deliberations, with regard to a subsidy.† It was at this moment that

* Winwood, II. 49. The king professed to have dealt leniently with catholic recusants for twelvemonths, in hopes that they would "conform themselves." His present displeasure did not end in words. "The sword now begins to cut on the other edge, and to fall heavily on the papists' side, whereof there were twenty-eight indicted at the last sessions at Newgate. And if this strict course be kept on both sides, either party will have less reason to complain." Ibid. II. 48. This was in February, 1604.

† Lingard, IX. 39, 40. But this writer has described the sufferings of the catholics, at this time, in much stronger language than is warranted by his authorities. Birch's Prince Henry, which is cited, makes rather against the statements of Dr. Lingard than otherwise, and its allusion relates moreover to a much more subsequent period. The same is in substance true with respect to the "Abstract of his Majesty's Revenue," which is also referred to. Extracts from the jesuits Parsons and Garnet will have little weight with the protestant reader.

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a scheme of vengeance was devised, the outlines of which are among the most certain and familiar events of English history, and the atrocity of which has scarcely a parallel in the annals of any nation. The bearing of the doctrine which allows the end to sanctify the means, was never, perhaps, more forcibly illustrated than in what is usually called the gunpowder plot.

Catesby's plot.

Robert Catesby, with whom this dark enterprise originated, was descended from a family which had long borne that name in Northamptonshire. His youth had been wasted in dissipation, when, in 1598, his zeal for the faith of his ancestors suddenly revived; and with a view to promote its furtherance, he became a party, first to the plot which proved fatal to the earl of Essex, and afterwards to that which terminated with the trial of Raleigh. At present the object of his solicitude appeared to be at a farther distance than ever. The native catholics formed so small a minority, as to render an open struggle with their adversaries truly hopeless; nor was there any direct aid to be expected from France or Spain, or even from the court of Rome, as all those powers were disposed to professions of amity toward James. The cause, therefore, was evidently lost, unless some master-blow could be struck, and that with very limited means. The English parliament, and the English throne, had agreed to reject the supremacy of the pope, had proscribed the catholic faith, and were still employed in measures designed to afflict and wear out its adherents. That powers existing only to do evil, should be deprived of their

strength, and even of existence, appeared a consummation devoutly to be wished. Any thing short of this would fail to be a remedy. But the means to accomplish this—where may they be found? In this exigency it was conceived that a deposit of gunpowder beneath the parliament house, if ignited at the moment when the lords and commons were assembled at the opening of the next session to hear the king's speech, would accomplish the object. The scheme required but few associates, and small resources, and the blow being one to be struck in the dark, would afford little room for discovering the hand which directed it.* From March until August, Catesby continued to meditate on the best means of bringing this murderous undertaking to maturity, and during that interval disclosed it to four persons. These were, Robert Winter, of Huddington, in Worcestershire; Guy Fawkes, a soldier of fortune; Thomas Percy, a relative of the earl of Northumberland; and John Wright, his brother-in-law. Wright had lately become a catholic, and had suffered in the cause of his new creed; the rest appear to have been hacknied in the work of conspiracy.

His accomplices.

The first step of these desperate men was to

* It was not usual for the sovereign to meet the parliament after a prorogation; but this was to be expected from the character of the present monarch, and in consequence of the articles of union which were preparing with respect to Scotland. Parl. Hist. I. 1058. The substance of the account given in the text may be found in a work intitled "The Gunpowder Treason, with a Discourse of the Manner of its Discovery." 1679. To which Dr. Lingard has made some additions from private MSS. drawn up by the jesuits Greenway and Gerard, who were privy to the treason. Their statements, in some particulars, are of course liable to strong suspicion. Salisbury also transmitted a minute account of the affair to Sir Charles Cornwallis, English ambassador at Madrid. Winwood, II. 170—173.

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A house obtained.

procure a house adjoining that in which their intended victims were to assemble. This, after the lapse of three months, was obtained by Percy, who pretended that his duties at court, in capacity of gentleman pensioner, would be much facilitated by such a residence. By him Catesby and Winter were introduced into the building; while Fawkes, as less known, assumed the name of Johnson, and in the character of Percy's servant was to exercise his vigilance without. They had bound themselves by oath, and by the communion, to be faithful to each other in the direst extremity; and having laid in a store of provisions, and armed themselves, that in the event of detection they might perish on the spot, they prosecuted their labour by turns, so that the mine, which was to prove so fatal to their enemies, proceeded day and night.

Parliament prorogued.

A fortnight had been thus spent, when the parliament, instead of meeting on the seventh of February, was prorogued till the third of October. On the twenty-fourth of December the conspirators separated, and having spent the intervening Christmas with their respective friends, re-assembled on the thirtieth of January, with some addition to their number. But on resuming their labour, they found that the depth to which they had passed brought them in contact with water. Nothing now remained except to perforate a wall nine feet in thickness; and when this was nearly achieved, their progress was arrested by sounds, which seemed to proceed from an apartment immediately above them. Upon examination that apartment proved to be an extensive vault, under the very building which they had

devoted to destruction; and it happened also, that its present occupant was on the eve of relinquishing it, and that in a few days it would be at the disposal of the highest bidder. The room was secured without delay; and there, under cover of the night, nearly forty barrels of gunpowder were secreted. Over the surface of this pile, stones and firewood, and some articles of furniture, were loosely thrown, to prevent suspicion, should the place be entered by strangers.

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Another apartment secured.

Such was the state of this scheme at the close of March, 1605, twelve months subsequent to its being first entertained. In the event of the plot succeeding, considerable aid would be required to complete the intended revolution; and, during the space which remained before the third of October, Fawkes was despatched to Flanders, to employ himself in procuring the assistance of some English officers in the service of the archduke. His errand did not wholly escape suspicion, for, both from that quarter and from France, the ministers of James were apprised of meditated treason. But nothing, it seems, could be ascertained, as to the names, or the probable design, of the traitors.*

Fawkes' embassy.

Fawkes returned some weeks before the beginning of October, when the whole party was thrown into alarm, on hearing that the parliament was to be again prorogued from the third of that month to the fifth of the next. But Winter attended the house on the first of those days, under pretence of witnessing the ceremony of prorogation; and from the conduct of the commissioners, while the

Parliament again prorogued.

* Winwood, II. 171. Lingard, IX. 57, 58.

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materials brought together for their destruction were immediately beneath them, he inferred their total ignorance of the snare, and succeeded in restoring the confidence of his associates.*

Sir Everard Digby, and Francis Tresham, join the conspiracy.

It was not until about this stage of the proceedings that the names of sir Everard Digby, and Francis Tresham, became implicated in them. The parties hitherto initiated had exhausted their resources, and, as the crisis approached, it became increasingly evident that considerable sums of money would be necessary. Digby, who was not more than twenty-five years of age, was induced, after some hesitation, to embark in the undertaking; and, beside promising a supply of 1,500*l.*, he engaged to secure as many as possible of the catholic members of parliament to hunt with him at the time when the deed should be perpetrated. Tresham was an old conspirator, but possessed neither the firmness nor the inhumanity which were indispensable in such an enterprise. He promised, however, the sum of 2,000*l.*, and the suspicions of Catesby, and of some others, were overruled by their necessities. About a fortnight had elapsed, when Tresham entreated that some means might be adopted to save lord Mounteagle, who had married his sister. He also ventured, though with some embarrassment, to suggest, that it might be better to defer the explosion from the opening to the close of parliament, alleging that his supply of money could not be obtained without effecting sales of property, which could not be immediately accomplished. The only effect of this disclosure was

* Lingard, from Greenway's MS.

to render the unhappy man still more the object of distrust. But his companions judged it prudent to conceal their displeasure and their fears.

Letter to lord Mounteagle.

A few days later, lord Mounteagle suddenly retired to a house which he possessed at a small distance from town. While at supper with a party of friends, who had been invited to pass the evening with him, a page entered the room with a letter, which he said he had received from the hand of a tall man, whose features were concealed by the darkness of the night. His lordship opened the letter, and observing that it was anonymous, without date, and in a disguised hand, he gave it to a gentleman present, requesting him to read it aloud. Of this memorable document the following is a copy:—"My lord, out of the love I have to some of your friends, I have a care of your preservation; therefore I would advise you, as you tender your life, to devise some excuse to shift off your attendance at this parliament, for God and man have concurred to punish the wickedness of this time. And think not slightly of this advertisement, but retire into your own country, where you may expect the event in safety; for though there be no appearance of any stir, yet, I say, they shall receive a terrible blow this parliament, and yet they shall not see who hurts them. This counsel is not to be contemned, because it may do you good, and can do you no harm, for the danger is passed as soon as you have burnt the letter; and I hope God will give you the grace to make good use of it, to whose holy protection I commend you."*

* Archæologia, XII. 200.

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1605.

Alarm of the conspirators.

It is remarkable, that on the next day Thomas Winter was informed of what had taken place at the table of lord Mounteagle, and by the very person who had been called to read the letter. By that person also the conspirator was admonished, if indeed concerned in the supposed treason, to provide for his safety by instant flight, as the mysterious letter adverted to had been shown to lord Salisbury, the secretary of state. Winter rallied under the shock which this intelligence produced, and affected to regard it as a hoax—but he seized the first moment to communicate his fears to Catesby. Both concluded that the perilous communication to lord Mounteagle must have been made by Tresham, and with some difficulty they procured an interview with him on Enfield Chase. The meeting promised to be the last to which he would ever be a party. But the firmness with which he met the interrogatories urged upon him, and the solemnity with which he avowed his fidelity to the cause, disarmed his colleagues of their purpose. Fawkes, ignorant of what had happened, was despatched to examine the vault; and returned, stating, that every secret mark remained undisturbed. When informed by his companions of the danger he had escaped, he complained of their silence as implying a suspicion of his courage, and declared his determination to revisit the spot every day, until that should come which was to witness the gathering and the destruction of their foes.*

Suspicions of the government.

On the first of November the king reached London. The following day Winter was assured,

* Lingard, from Greenway's MS.

and by his late informant from the family of lord Mounteagle, that his majesty had spent two hours in consultation with his ministers on the subject of the letter addressed to that nobleman. From Tresham he also received the more alarming information, that the mine was actually discovered. Most of the delinquents, on hearing this, were disposed to escape into Flanders; but Percy contended that Tresham was a man unworthy of credit, and resorted to every argument that might induce his faltering associates to persevere. The fourth of November accordingly came, and Fawkes still retained his place in the vault, and the rest were variously disposed of in the city, and near their place of rendezvous in Warwickshire. The earl of Suffolk, as lord chamberlain, was instructed to make the usual preparations for the opening of the session, and was particularly enjoined to examine all apartments contiguous to the place of meeting.

In company with lord Mounteagle he entered the cellar, where Fawkes, who passed for Percy's servant, was on the watch. Marking the countenance of the man, the chamberlain observed, that his master had provided abundance of fuel; and glancing, with apparent carelessness, around the premises, retired. Two o'clock in the morning of the fifth of November arrived: the conspirators still indulged the hope that the government had continued ignorant of their plans, and Fawkes had made his last preparations in the vault, when, issuing to the street, he was seized by a party of constables, under the direction of sir Thomas Knevet, a justice of the peace. The removal of

Arrest of Fawkes.

CHAP. VIII. 1605.

the fuel discovered the lodgment of the powder. The culprit, as he stood to witness this failure of his long-cherished hopes, spoke only to express the bitterness of his regret, that he had not seized a moment to kindle the train, and to have rendered his own death a less bitter one, by causing some of his enemies to share in it.

The same temper marked his conduct when brought, only two hours later, before the king and his council. His companions no sooner heard of his apprehension than they fled toward Warwickshire. But avoided every where by catholics, pursued with the deepest resentment by protestants, and their numbers never consisting of more than eighty persons, including servants, all hope of escape at length deserted them. To fall by the weapons of their pursuers, and thus to escape the barbarous doom of traitors, was an event to be coveted. Such was the fate of Percy, Catesby, and two others; but Digby, the two Winters, Rockwood, Grant, Keys, Littleton, and Fawkes, were to perish under the knife of the executioner.*

Fate of his associates.

The plot known to jesuists, Greenway, Gerard, and Garnet.

It will not be supposed that a project, the chief object of which was to promote the Romish faith, was contrived and carried on without the aids of the catholic priesthood. The names of Gerard and Greenway, jesuit missionaries, and of Garnet, provincial of that order, were clearly implicated. Greenway and Garnet were certainly privy to the plot, in nearly all its particulars; but both were silent, on the plea, that their information was obtained under the seal of confession. Both also

* Winwood, II. 170—173. Gunpowder Treason.

professed to hold the proposed deed in abhorrence. Gerard administered the communion to the conspirators, but it was said to have been done without knowing their object. Garnet alone fell into the hands of the government; and from the opinion which he was bold enough to avow, in the presence of his judges, as to the innocence of equivocation, it is plain that he was a man whose statements on such a matter are not to be trusted, though made upon oath.* He accordingly suffered as a traitor. But among catholics, both at home and abroad, his name was long revered as that of a martyr, and miracles were said to be wrought by the virtues of his blood.† CHAP. VIII. 1606.

Its character.

The reader will perhaps admire that strength of character, which rendered so many persons insensible, through so long a period, to all the suggestions of fear or interest. But he will, perhaps, be equally surprised, that such firmness of purpose should have been allied to such feebleness of calculation. Had the plot succeeded, its only effect on surviving protestants, who would still have formed a great majority of the state, must have

* Winwood, II. 205, 206.

† The archduke, the king of Spain, and the pope, all professed to abhor the object of the conspirators, and to congratulate the king and the nation. But it is singular to mark the crafty resolution with which those powers continued to shelter the several traitors who sought their protection. Owen, one of their number, was not to be surrendered, though an Englishman, on the pretence that he had become a servant to the king of Spain; and Baldwyn, a Jesuit, was to be detained, because a religious man, and properly a subject of the pope. Sir Charles Cornwallis apprised the Spanish ministers that there were men who contended that the catholic powers were not wholly unconcerned in the late treason; and he ventured to suggest that if this reproach was to be wiped away, it must be by another line of conduct towards the traitors than it seemed their pleasure to pursue. But even this was without effect. See Winwood, II. 170—173, 183, 185—205, 227.

CHAP. VIII. 1606.

been to increase their loathing of every thing papal a hundred fold. The most important lesson, however, suggested by this transaction, relates to the difference between what might pass for piety in the conscience of a catholic two centuries since, and what is taught as morality in the gospel. Digby, from his youth, and other causes, was the least fanatical and desperate of this memorable fraternity. But enlightened and amiable as he was, he knew nothing of compunction in becoming party to a crime from which the last feeling of humanity should have shrunk. He regretted, indeed, that in destroying the guilty, there was room to fear for the safety of the innocent; but by the latter term, he merely intended the catholic members of the parliament, as distinguished from the protestants. No other scruple was allowed to disturb the repose of any conscience concerned; and even this was removed, at least indirectly, by the pliant casuistry of Garnet.*

It is true, that on the failure of this attempt, the English catholics became loud in their condemnation of it. But it is also true, that the culprits, who must have known the prevailing sentiments of their brethren, anticipated a very different greeting when expecting their zeal to be crowned with

* Digby, as we have noticed, proposed inviting a few catholic lords to meet him in another place at the critical moment, and persuaded himself that not "three worth saving" would have perished. See his letter to his wife, in Gunpowder Treason, p. 251. Mordaunt and Sturton, two catholic lords, were suspected, on account of their absence from parliament, and fined, the one 10,000*l.* and the other 6,000*l.* The earl of Northumberland had received Percy as gentleman-pensioner, without exacting the oaths required by law. He was sentenced to pay a fine of 30,000*l.* It was afterwards reduced to 11,000*l.*; and he remained, during several years, a prisoner in the Tower.

success. And to the last, the language of censure proceeding from that quarter, was heard by the most moderate of their number with no little perplexity and astonishment.* CHAP. VIII. 1606.

* Digby thus expressed himself, in a letter to his wife. The heart of the writer was evidently perverted from its natural tendencies, by the false maxims of his spiritual advisers. He does not appear to have had a notion of good or evil, except as taught him by "some ghostly friend;" and, at the same time, possessed much native capacity and firmness.

CHAP. IX.

MEETING OF PARIAMENT IN 1605.

THE KING'S SPEECH.—PARLIAMENT PROROGUED.—OPPOSITE OPINIONS RESPECTING THE SPEECH FROM THE THRONE.

CHAP. IX.

1605. The king's speech, Nov. 9.

On the ninth of November, James met the two houses. In an extended address, he compared the detection of the gunpowder conspiracy to the prevention of a second deluge; and congratulated his auditory on their escape from a death, which, as inflicted by inanimate things, was more to be dreaded than any that could proceed from the cruelty of men, or the ferocity of animals. The conspirators are described as taking their part in the intended tragedy without provocation, and the interpretation of the letter which had led to the discovery of the plot is adverted to as little less than miraculous.* But, in deliberating as to the punishment of the traitors, no man was to speak irreverently of the catholic powers, since it was certain they were no parties to this odious business. The king, on the contrary, was pleased to express his detestation of the cruelty of the puritans, "that will admit no salvation to any papist," as

* The king claimed the merit of this explanation, but it belonged rather to Salisbury, who was prudent enough to join in ascribing it to the royal wisdom. Winwood, II. 171. Dr. Lingard describes the conduct of the conspirators as arising simply from a wish to put an end to religious persecutions. But who can for a moment suppose that the conspirators meant to stop there?

"worthy of fire." It is recommended, accordingly, that care should be taken, that catholics in general should not be made to suffer on account of enormities which were chargeable only on a part of their communion. In conclusion, some statements are made with respect to the design of parliaments, and some advices are given for the purpose of separating the use of such assemblies from their abuses. His majesty had not been sufficiently explicit on this subject in his former address. To the mind of kings such matters were of course familiar, and to his own particularly so, from his having been many years the sovereign of a state nearly assimilated to that of England. But it was still deemed important, that the nature of this high court of parliament should be ascertained from nearer observation. As the result of more immediate investigation, it is said to consist of the lords temporal and spiritual, and of gentlemen and burgesses representing the shires and towns of the kingdom; and these are described as nothing else but the king's great council, which he doth assemble either upon occasions of interpreting or abrogating old laws, or making new. A place in such an assembly was not to be sought to gratify private resentment, to display a studied eloquence, or a censorious wit, but was one where every faculty should be consecrated to piety, loyalty, and decorum. It was a spot where laws were to be instituted equally by the subject and the sovereign;*

* The speaker, in a former address to the throne, had asserted that "to institute" belonged exclusively to the parliament—the province of the crown being simply to confirm or annul. Parl. Hist. II. 989. See p. 117.

CHAP. IX. 1605.

but was by no means a place where every rash and hare-brained fellow might propose new laws of his own invention:—"Nay, rather could I wish," said the monarch, "that those busy heads should remember that law of the Lacedemonians, that whosoever came to propose a new law to the people behoved publicly to present himself with a rope about his neck, that in case the law were not allowed, he should be hanged therewith."* At the close of this speech, the parliament was prorogued to the twenty-first of January.†

Parliament prorogued.

Opposite opinions respecting it.

Various were the comments made on the singular mixture of things included in this address. The courtiers applauded the moderation of the royal councils with regard to the catholics as the result of surprising wisdom and magnanimity. The puritans were roused to indignation on being told, and at such a moment, that while the papists deserved to be regarded as Christians, they had themselves deserved the punishment of fire, in presuming to doubt on that point. The speech, which the one party extolled as an astonishing display of generosity and intelligence, the other deplored as bespeaking an incurable attachment to popish superstitions. Both parties, however, might have seen a more immediate cause of the policy which was so differently explained. The king had already meditated securing a family alliance with Spain. A treaty was, ere long, commenced on

* An intelligent friend has remarked, that our "king of clerks" has made a slight mistake here—putting the Lacedemonians in the place of the Locrians.

† Parl. Hist. II. 1053. *et seq.*

that subject, which, as it advanced, assigned the arbitration of religious disputes among the states of Europe to the English monarch, ceded to him a large division of Flanders, and with the Infanta, as the wife of the English heir apparent, pledged the annual pension of a million of ducats. In return, it was expected that England should aid his catholic majesty against the States-general. James became much fascinated with this unpatriotic and visionary project. But it was to involve him in the most painful difficulties through the whole of his reign, partly from its never-failing unpopularity with his subjects, and partly from the ambiguous conduct of the Spanish cabinet. To conciliate the court of Madrid, it was important that the restraints imposed upon English catholics should, even at such a crisis, be rather lightened than increased.*

* About this time the king allowed a regiment of 1500 English, under Count Arundel, and another of 1000 Scots, under the earl of Hume, to join the army of the archduke.—Guthrie, III. 646. The neutral policy which James had adopted, permitted his doing the same with regard to the enemies of the house of Austria; and during the whole of this disgraceful reign, the subjects of the English monarch were to be found fighting under opposite standards.—See Winwood, II. 71, 72, 100, 101, 106. And Sully's Memoirs will afford similar examples.

CHAP. X.

PROCEEDINGS OF PARLIAMENT FROM 1606 TO 1611.

SEVERITIES AGAINST CATHOLICS.—PROCEEDINGS IN THE COMMONS.—SUCCESS OF THE COURT.—PARLIAMENT PROROGUED.—REASSEMBLED.——KING'S SPEECH.—PROPOSED UNION OF THE TWO KINGDOMS.—DIFFICULTIES OF THIS SCHEME.—REPORT OF THE COMMISSIONERS.—DECISION OF THE COMMONS.—EXTRAVAGANCE OF THE COURT.—PERPLEXITIES OF CECIL.—MEETING OF PARLIAMENT.—STATE OF THE REVENUE.—QUESTION OF IMPOSTS:—WARDSHIP—PURVEYANCE, &c.—PARLIAMENT DISSOLVED.—DR. COWEL'S VINDICATION OF ARBITRARY POWER.

CHAP. X.

1606. Jan. 21.

THE parliament was no sooner convened than the total want of sympathy between the sovereign and his subjects, on most of the matters adverted to in the royal address, became evident. After various deliberations, it was agreed that the fifth of November should be set apart to be a day of annual thanksgiving for ever. In the course of this, and some succeeding, sessions, James was obliged to give his consent, not only to the revival of the old laws against catholics, but to some new enactments of additional severity. An act was passed for discovering and repressing popish recusants; and another, intended to prevent the dangers which might possibly arise from the machinations of such persons. Every recusant catholic was banished from the court, and to a distance of ten miles from London; nor was he to go more than five miles from home without obtaining a licence for the

Severities against catholics.

purpose from a magistrate. Such delinquents were not to attempt the practice of law or medicine; were to have no place, however humble, in any corporation; were to be deprived of all literary and ecclesiastical patronage; and were in no case to act as guardians or executors. The child sent to be educated in a foreign seminary was said to have forfeited all title to English property—unless, on ceasing to be a minor, he should conform to the established church; and various penalties were to be incurred by such as should bury their friends without the limits of a protestant cemetery; or who, in the celebration of marriage or baptism, should dispense with the services of a protestant clergyman. To retain a catholic servant, or to receive visitors of that communion, was also punishable with a fine of ten pounds per month. But it must be added, that these oppressive enactments, which have only been recently abolished, were very far from being uniformly enforced; and that the evils inflicted by them, during this reign, proceeded in part only from the horror excited by the late conspiracy. The assassination of Henry IV., which occurred soon after the gunpowder treason, increased the feeling of indignation and alarm, and rendered the yoke thus placed on the neck of the English catholic much heavier than it would otherwise have been.* This

1610. May 4.

* Parl. Hist. II. 1064. Journal of Commons, I. 265—313. Collier, II. 700. Sir John Carew wrote thus to Winwood, in February, 1605, from Paris: "Here was lately news out of Germany, of a massacre, contrived against those of the religion (protestants) in the country of the Valais, by a capuchin. One of the plot, desiring to save a friend of his, dealt with him to depart out of the country for a time, and being pressed to tell the reason, discovered it, whereby the chief of the religion assembling together, surprised the principal of

CHAP. X. 1606.

cruel policy is happily abhorrent from our feelings; but it can hardly be forgotten that the cup of intolerance which the Romanist was thus called to drink, bitter as it was, had not all the bitterness of that which he had frequently administered, even to the dregs.*

Proceedings in the commons.

The embarrassments of James at this moment rendered a liberal supply from the parliament strictly necessary; and the commons proceeded with so much promise toward that point, that the king despatched a minister in the midst of the debate to express the sincere pleasure which their conduct had afforded him. This step, however, proved to be somewhat premature, as it was by no means the intention of that assembly to close their deliberations, with regard to subsidies, until something should be done toward the redress of grievances. Various reforms were urged, particularly with respect to the evils of purveyance, to certain abuses in the civil and the ecclesiastical courts, and to the impolicy of silencing so many godly ministers. So numerous, indeed, were the complaints of this description, that James declared the malcontents must have sent an "Oh! yes," through the land to discover them. By the aid, however, of the bishops and the lords, nearly all these matters were evaded; and such was the concern shown by the upper house

Success of the court.

the practice two days before the time of the massacre. They seem to hold there, that this had some dependence on the plot in England, and should have seconded that devilish enterprise, that the astonishment might have been the greater, coming from sundry parts of the world."—Winwood, II. 196.

* James admitted, in 1614, that there were whole counties in which not more than two or three magistrates could be found who were disposed to enforce the laws against recusants. Parl. Hist. II. 1150.

to secure the prerogative from injury, that the monarch sent a message of thanks to its members, purely on that account. The king's debts, arising principally, it is said, from arrears under Elizabeth, from the journey of himself and family into England, and from the state of affairs in Ireland, were not less than five hundred thousand pounds; and three subsidies and six tenths and fifteenths, which in two years would yield about that sum, were obtained by a majority of seven votes, in a house of two hundred and thirty-four. The danger to which the king had been exposed on account of his protestantism, defective as it was, appears to have procured him a place in the sympathy of his people at this time, which he had not hitherto possessed; and the separation which now took place between himself and his parliament was attended with an agreeable feeling that was to be of rare occurrence during this reign.*

Parliament prorogued, May 27.

The parliament prorogued in May, was re-assembled in the following November. The king, in

Reassembled. Nov. 18.

* Parl. Hist. II. 1063—1071. While the commons were debating on the question of supply, a report spread that the king had been assassinated at some distance from town. The pleasure felt as the alarming intelligence was ascertained to be false, appears to have had a favourable influence on the generosity of the lower house. "At" the king's "coming to town, the same day, the whole court went to meet him. The parliament sent Sir Maurice Berkley, with four knights more, to welcome him. The speaker, with his mace, went beyond the park corner to bring him in; and the lord mayor and his brethren went to him after supper, to congratulate his safety. To all which he made several harangues, as likewise to the people's acclamations the next day, as he went to the sermon; telling them that he took these demonstrations more kindly than if they had won a battle for him. That a better king they might have, but a more loving and careful one for their good, they could not. That these signs were the more welcome to him, for that foreign ambassadors might see the vanity of those reports that were spread abroad, in other countries, of mislike and distaste between him and his people."—Winwood, II. 204.

CHAP. X. 1606. King's speech.

addressing the two houses, began by repeating his regret that so much assiduity had been discovered before the opening of the last session, in accumulating matters of complaint; but, at the same time, praised "the moderation and discretion" with which these delicate subjects were introduced. It was deplored, also, that some of their questions were "more popular than profitable, either for that council or the commonwealth; and that there were some tribunes of the people whose mouths could not be stopped from the matters of the puritans or of purveyance." The advocates of the puritans are described as the patrons of civil and religious discord, but especially as the partisans of schism; and the monarch "had ever esteemed schismatics and heretics subject to the same curse." The dissatisfied on the subject of purveyance were also admonished, that though a sovereign is exempt from any censure or correction on earth, yet inasmuch as the reign of kings must terminate, and their account be rendered to the Almighty, so the dissolution of parliaments will come, and then each member may be made to feel his responsibility as a subject, with respect to his sovereign. It is therefore recommended, that if any "plebeian tribunes" should be found ascending, like Icarus with his wings of wax, to a sphere unsuited to them, the anthority of the house should be employed to correct such extravagance, that the body may not be called to suffer in consequence of such disorder in any subordinate member. Having delivered these courteous rebukes, James proceeded to discourse on his favourite topic—the union of the two

1607.

kingdoms. No matter had absorbed so much of his solicitude; and we may, for various reasons, credit his sincerity, when professing to be as much attached to the interests of his new subjects as to those of the natives of Scotland. The concern of the new monarch was to assimilate the constitutions and the ecclesiastical establishments of the two nations, and to extend the authority of the crown through every department of the polity in the church and state, even to the adjustment of the most trivial ceremony. It was expected, also, that to the felicities arising from this augmented authority, those of an almost exhaustless treasury would be added. While such consequences were regarded as attendant on his accession to the English throne, it may be supposed that the claims of England, in the proposed union, were not less in the thoughts of the monarch than those of Scotland.

Proposed union of the two kingdoms.

But no such causes had occurred to remove the animosities which had so long divided the two kingdoms. Through a series of ages, the convulsion that should have laid every thing north of the Tweed beneath the waves, would have been to the remaining inhabitants of this island among the happiest of events. The Scots may not have cherished their hereditary enmity against the English without a cause, but the latter could not at once forget that during so many centuries their northern neighbours had been indeed a thorn in their side—descending to become the mercenaries of almost any power declaring itself the foe of England. By the lawless inroads of Scottish marauders, and inroads which generally took place at

Difficulties of this scheme.

CHAP. X. 1607.

the moment in which our ancestors were called to direct their energies against some foreign adversary, the northern counties of England were continually ravaged and depopulated. The extent of these depredations is visible at this day, and will be to many generations.

A majority, however, in the parliament of Scotland, were induced to intimate a compliance with the wishes of their sovereign. But this consent was more apparent than real; and the projected union was known to be quite as unpopular in the one country as in the other. The Scots deprecated the appearance of subjection; and we may perhaps say that the English equally deprecated the appearance of equality. It is certain that our ancestors were unwilling that the prosperity which their industry had nursed, and which their valour had protected, should fall as a spoil into the hands of a people for whom they felt so little either of respect or gratitude. And this they anticipated, as the chief result of the intended union. Nor should it be overlooked, that the liberality of James to his countrymen, since his accession, had become a matter of serious complaint, and was regarded by his new subjects as a part of his conduct requiring vigilant control.

Report of the commissioners.

It will be remembered that in the first session of the present parliament the introduction of this measure led to the appointment of commissioners on behalf of both nations. The result of their deliberations was, to recommend that all hostile laws between the two kingdoms should be repealed, that the border courts should become extinct, that

CHAP. X.

1607.

the advantages of commerce should be equalized in both states, and that the persons born in either should be henceforth considered as naturalized in the other. These measures were merely preliminary. But James, with that haste and imprudence which marked the whole of his conduct in this difficult affair, immediately assumed the title of king of Great Britain, and publicly quartered the arms of Scotland with those of England. The men who were so much concerned to check the least encroachment on the authority of parliament, would not be indifferent to that contempt of its legislative power which this act discovered. When the judgment of the commissioners was submitted to the commons, it was agreed that the hostile laws adverted to should be rescinded, and that the border courts, and the customs connected with them, should be abolished; but the articles relating to commerce and to naturalization were said to be attended with many difficulties. To subdue their obstinacy on these points, and to bring them to a further accordance with his plans, the king intrigued, and wrote, and made speeches; but his policy, his learning, and his eloquence, were all unequal to the task to which they were applied. The courts of law asserted their competence to declare, that all persons born under the king, as sovereign of England and Scotland, were naturalized in both places. But the discussions relative to a farther union elicited so much reflection on the national character of the Scots, and even on the conduct of James himself; and as a natural consequence served so much to increase the

Decision of the commons. Feb. 1608.

CHAP. X. 1607.

aversion which the Scottish people had themselves felt with regard to the measure, that the monarch was at length constrained to abandon a scheme which he had long cherished as pregnant with the highest gratification to his own mind, and with no ordinary benefit to the whole of his subjects.*

Extravagance of the court.

That the king should be displeased with the men who had thus presumed to question the wisdom of his plans, was inevitable. From this circumstance it chiefly arose that the session was allowed to terminate without any discussion respecting a supply. But if war no longer existed to bring the pretensions of the sovereign under those restraints, which the purse of the commons had so frequently enabled them to impose; there were other causes which, throughout the history of the present monarch, were equally hostile to an independence of popular suffrage. The separate establishments of James, of his queen, and of his children, were on a scale of expenditure, which could not be sustained without making much larger demands on the resources of the country than had been usual. The entertainments of the court were often very costly, and the king regarded it as important that he should equal, and sometimes surpass, his predecessors, in his generosity to foreign ambassadors. Added to which were the extended claims of his countrymen, and an easy disposition in parting with money

* The commons committed one of their members to the tower for the intemperance of his language respecting the country of the sovereign. Parl. Hist. 1075—1119. The privy council of Scotland complained heavily to James of the manner in which they had understood their country to have been traduced in the English house of commons; and they assure his highness that the union, "so greatly hated" by their neighbours, was as "little affected" by themselves.—Dalrymple's Memorials, I. 7.

to those who knew how to conduct their suit for it, or to such as had obtained a place in his favour.*

To meet the exigencies which this thoughtlessness had created, it was necessary either to resort to such methods of raising money as would not fail to excite the murmurs of the people, or to secure a degree of liberality from the parliament, much beyond what it had been accustomed to exercise in a season of tranquillity. Expedients of the former kind were acted upon with considerable intrepidity; but neither the sums so obtained, nor the money borrowed from the city, proved sufficient. Cecil, as the result of his utmost ingenuity and attention, had succeeded in reducing the debts of his sovereign to about one-third of their former amount. But such continued to be his necessities, as lord treasurer, that the clamour of creditors began to assail him from every quarter. His lectures on the propriety of more economical arrangements were lost on the mind of James; while upon his own, the care and labour

Perplexities of Cecil.

* Hume's account of this particular in the conduct of James is not false, but it contains only a part of the truth, and that part is so stated as to make a false impression. (James I. Appendix.) Prince Henry and the Princess Elizabeth had their households assigned them while children, including nearly a hundred and fifty persons; and the establishment of the prince, within seven years of the king's accession, had increased to nearly treble that number. On the marriage of the princess, the sum expended was more than 50,000*l.* beside her portion of 40,000*l.* "The queen's childbed," 52,542*l.* Prince Henry's funeral, 16,016*l.* Presents to the Earl of Mar, 15,500*l.*; to Lord Dunbar, 15,262*l.*; to Viscount Haddington, 31,600*l.*; to the Earl of Somerset, 41,000*l.* But the reader who would concede to James the praise of frugality, as Mr. Hume is disposed to do, can hardly have read the "abstract of his majesty's revenue," from which most of the above items are selected. See also the following pages in the second volume of Winwood's Memorials, 26, 41, 43, 44, 46, 52, 54, 89, *et seq.*—Lodge, III. 180—182, 254.

CHAP. X. 1610.

required to preserve anything like order in the vessel of the state, was almost overwhelming, and proved ere long too weighty to be endured.

Parliament reassembled, Feb. 9.

Such was the general state of affairs, from the prorogation of parliament in the summer of 1608, to its reassembling in the spring of 1610. When the meeting, which five prorogations had deferred, took place, the king, for the first time, abstained from greeting his subjects at the opening of a session. The commons were quite sensible that their being called together at all, arose in no degree from the inclination of the monarch. They appear, accordingly, to have assembled with a determination to spare neither hazard nor effort, with a view to curb the evident disposition of the court to govern without their assistance. The liberty and property of the subject were regarded as in imminent danger; and as the popular members prepared to defend them, the eyes of the people were turned toward their representatives, with a degree of interest that was both novel and ominous.

In opening the last session, James had warned the members of the lower house that their authority, when assembled there, was not to be separated from their permanent relation to the sovereign; and it was insinuated, that the disorderly conduct which eluded chastisement while they held their place in parliament, might be followed by suitable correction when the parliament should close. Nor was this an empty threat. It was succeeded by the injustice of inflicting certain indirect penalties on such as had distinguished themselves by their opposition to the royal will. It was well known

that the friends of the sufferers had not been inattentive to the conduct adopted toward them; and in prospect of a new session, it was considered important to provide against the resentment thus excited, by removing the disabilities which had been imposed on the obnoxious members. They appeared, accordingly, in their place.

State of the revenue, Feb. 17.

To a committee of both houses, the treasurer stated the wants, and urged the merits of the sovereign. He concluded with a demand of 600,000*l.* as an immediate supply, and of 200,000*l.* as an annual vote, to prevent the recurrence of so large a claim.* To calm the excitement which the bare mentioning of these sums was likely to produce, the representatives of the people were invited to state their grievances freely, and were assured that the king had determined to keep pace with his subjects in the race of liberality. So compliant, indeed, was the language of James, at this time, that he professed himself concerned to see such provision made, that should his posterity "have will to grieve the people, they might not have the power." His doctrine respecting the authority of kings was certainly unaltered; but there is room to believe

* Hume states the king's debts to be 300,000*l.*, but is not concerned to mention, that double that amount was now demanded for him; nor does he notice the permanent annuity which was annexed to this unusual claim. The commons hesitate to grant "an immediate and large supply;" and this is deemed enough to justify their being described as "subjects who had no reasonable indulgence or consideration for" their monarch. The king had resorted to many illegal expedients to enable him to dispense with the aids of a parliament so long; and the men who were required to vote a sum to the crown, much larger than had ever been voted by their predecessors, must have been wickedly unmindful of precedent and equity, if, in the existing state of things, they had not hesitated to do so, until something important had been secured to the subject in return.—Winwood, III. 123, 124. Parl. Hist, II. 1121, *et seq.* Journals, 393.

CHAP. X. 1610.

that it was his intention to remove some important matters of complaint, on condition of obtaining his present demand. The right of the crown to impose other duties on articles of merchandize than those fixed by parliament, and the propriety of removing certain feudal grievances, were among the chief topics of discussion.

Question of imposts.

James, while professing to admit the force of existing laws in the matter of imposts, expressed himself in language singularly impolitic and contradictory. It was broadly stated, that, as to question the power of Deity was blasphemy, so to question that of the sovereign could be nothing less than sedition. On the ground of this assumption, which, in the ears of devout men amounted to profaneness, and which, in the esteem of the patriots contained the basement of all tyrannical pretension, the commons were strictly inhibited from deliberating on the right of the monarch, either to originate, or to alter, the duties adverted to. The manner in which it would be best to exercise that branch of his prerogative, might become a point of modest inquiry or advice, but the right itself was not to be disputed.

The men thus instructed were fully aware that this topic had already become one of considerable investigation, and deep interest, with a large body of their constituents, and they applied themselves, without delay, to an examination of the precedents adduced by the advocates of the prerogative, and to a search after those which such advocates might be anxious to conceal. On the side of the crown was the learning and eloquence of sir Francis Bacon, a man scarcely more distin-

guished by the possessions of genius, than by his poverty of principle. By this party it was affirmed, that the said duties had been imposed by Edward the first, and by the two princes next in succession. But it was conceded that the practice had been suspended from the time of Edward the third to the reign of Mary. By that princess, however, it had been renewed, and her example in this respect had been copied by Elizabeth.

On the part of the subject, it was, of course, dwelt upon as an important fact, that, during two centuries at least, the sanction of precedent had failed; and it was maintained, that the more ancient cases were generally the result of necessity, or of peculiar circumstances; and that, while they failed not to awaken complaint at the time, they were almost invariably followed by redress. It was contended, moreover, that the instances produced from the two last reigns, related chiefly to such imports and exports as were forbidden by law, and bore no resemblance to the recent practice of the government. The appeal made to the conduct of Mary, was noticed as particularly unfortunate, inasmuch as her interference, to which reference had been made, was simply to prevent an evasion of the tribute which the law had required. Opposed to precedents so partial and inapplicable, and which were nevertheless the best that could be produced in favour of raising money at the pleasure of the crown, were the provisions of Magna Charta, the memorable statute *de tallagio non concedendo*, and no less than twelve others by successive parliaments. The ministers had

CHAP. X. 1610.

professed to found the vindication of their cause on "the reverence of past ages, and the possession of present times." The weakness of this pretence was abundantly exposed by the advocates of the people.*

Wardship, purveyance, &c.

Another object, to which the attention of the commons was particularly directed, at this time, was the abolition of various feudal customs, especially that of wardship, and the old evil of purveyance. It was not pretended that these were illegal. But it was proposed to secure to the sovereign a fixed revenue in lieu of them. After considerable manœuvring on both sides, 200,000*l.* a year was agreed to as the equivalent. But difficulties arose in fixing upon the source whence that sum should be derived, and the session closed before this question could be determined. In the next, which soon followed, the subject was renewed; but the imperfect state of the records, and the silence of the contemporary writers, have left the proceedings respecting it in uncertainty. We know that James continued to be displeased. The commons voted the inadequate supply of one subsidy, a tenth and a fifteenth.†

* Hume's account of this session is, in nearly every particular, either materially defective, or something worse. He contends that the patriots, at this time, were guided more by "consequences which they foresaw, than by former precedents;" and that their aim was less to preserve the "ancient constitution," than to establish a "new one;" statements which are shown to be untrue, by the very facts with which they are connected. Not a hint is given by this historian of the arguments employed, on the occasion referred to in the text, by the advocates of the people—and why not? The truth is, the patriots looked both backwards and forwards, and were apprehensive, from the measures of the government, "that they should not leave to their successors that freedom they *received from their forefathers*, nor make account of any thing they had, *longer than they like that governed.*"—Winwood, III. 175. Howell's State Trials, II. 407—519. Birch's Negociations, 320.

† A subsidy had fallen from 120,000*l.* to about 80,000*l.*; a tenth and a fifteenth included the fixed sum of 36,500*l.*

CHAP. X.

1610.

Several questions, preliminary to a further grant, were afterwards taken up by the members, but their manner of proceeding was so far unacceptable to the king, that the session, from which so much had been anticipated, closed without any further supply, and the parliament itself was dissolved.*

Parliament dissolved, Dec. 31.

Before the dissolution of this parliament, a warm discussion had been elicited among its members by the publication of a work, intitled, The Interpreter. Its author was Dr. Cowell, a civilian, who was pleased to extol the civil as opposed to the common law, and to insist that the powers of the emperor of Rome were no more than should be included in the authority of the kings of England. Laws, it was contended, should be binding upon an English monarch to no greater extent than upon a descendant of the Cæsars; and it was accordingly taught, that to admit the concurrence of a parliament with respect to the manner of obtaining

Dr. Cowell's vindication of arbitrary power.

* Parl. Hist. II. 1024—1149. The following is Wilson's account of the causes which produced this event: "On the meeting of this session of parliament, the members were willing to resume their allegiance to the king, out of piety; yet they were so strict, even in these youthful days, which he called obstinacy, that they would not obey him in his encroachments upon the public liberty which he began then to practice. For, being now seasoned with seven years knowledge in his profession here, he thought he might set up for himself, and not be still journeyman to the lavish tongues of men, that pryed too narrowly into the secrets of his prerogative, which are mysteries too high for them, being *arcana imperii*, fitter to be admired than questioned. But the parliament were apprehensive enough that these hidden mysteries made many dark steps into the people's liberties; and they were willing, by the light of law and reason, to discover what was the king's—what was theirs; which the king, unwilling to have searched into, after five sessions in six years time, dissolved the parliament by proclamation."—Court of James I.

James sent for a deputation from the commons before dismissing them, and demanded whether, as he was in need, it was not the duty of subjects to relieve him. Sir Henry Neville answered, "Where your expenses grow by the commonwealth we are, otherwise not."—Winwood, III. 235.

CHAP. X. 1610.

money from the subject, was purely a matter of royal favour, and the very limit of the power that should be conceded to any such convention.

Cowell was regarded as publishing these doctrines under the guidance of Bancroft, the primate, and with the secret approbation of the king. The civilians and the common lawyers in this country had been long since at variance; and the interference of James, with a view to adjust their disputes, had only served to show that his partialities were toward the least popular of the parties at issue. It was not without reason, therefore, that the commons were alarmed. Nor is it surprising that, after the fashion of the age, they should resort to force for the purpose of preventing the diffusion of opinions which threatened the whole fabric of the constitution. Even the lords appear to have felt with the members of the lower house in this respect, and the king considered it prudent to inform the parliament, that he had examined the obnoxious publication, and was so far dissatisfied with it, that he should reckon the parties who should presume to defend it, among his personal enemies. The author was imprisoned, and the book was condemned by proclamation.*

These clerical interferences in behalf of arbitrary power must be remembered by the reader, as they will be found to constitute a leading cause of that distrust and resentment with which the ruling clergy came to be regarded by the house of commons, and which, in the next reign, exposed them to a fatal collision with the strength of that body.

* Parl. Hist. 1122—1124. The work was dedicated to Bancroft.

CHAP. XI.

DEATH OF THE EARL OF SALISBURY, AND OF PRINCE HENRY.

POLICY OF CECIL.—HIS TROUBLES.—HIS ERRORS.—DIES UNREGRETTED. DEATH OF PRINCE HENRY.—HIS CHARACTER.—IMPRUDENT CONDUCT OF JAMES.

CHAP. XI.

1604. Policy of Cecil.

Sir Robert Cecil, now earl of Salisbury, had employed every artifice at his command, with a view to preserve the favour of his late mistress to the time of her decease, and to obtain the same place in the confidence of the prince to whom her crown would soon be transferred.* His success was probably equal to his most sanguine expectations. But it was to be attended with difficulties and disappointments scarcely less painful than defeat. In his former associate, the earl of Northampton, he was to find a rival, who, if too feeble to create any serious alarm, was formidable enough to occasion considerable annoyance.† Lord Burleigh, his venerated father, a man whose head and heart were, in many respects, preferable to those of his son, had often complained of the restless suffering which his elevation brought upon him. To this son he wrote, not long before his death, observing,

* Birch's Memoirs, II 514, 515. Aikin's James I. I. 49, 50.
† Winwood, II. 94, 399. Boderie, II. 135, 201, 254, 440. III. 248, 302, 344.

CHAP. XI. 1604.

"If I may not have some leisure to cure my head, I must shortly ease it in my grave."* It is in the following forcible and affecting language, that the younger Cecil adverts, soon after the king's accession, and while possessing the highest favour at court, to the many cares, which he felt to be a sort of inheritance.

His troubles.

"My noble knight, my thanks come with your papers, and wholesome statutes for your father's household; I shall, as far as in me lieth, pattern the same, and give good heed for due observance thereof in my own state. Your father did much affect such prudence, nor doth his son less follow his fair sample of worth, learning, and honour. I shall not fail to keep your grace and favour quick and lively in the king's breast, as far as good discretion guideth me, so as not to hazard my own reputation for humble suing, rather than bold and forward entreaties. You know all my former steps; good knight, rest content, and give heed to one that hath sorrowed in the bright lustre of a court, and gone heavily even to the best seeming fair ground. It is a great task to prove one's honesty, and yet not spoil one's fortune. You have tasted a little hereof in our blessed queen's time, who was more than a man; and, in truth, sometimes less than a woman. I wish I waited now in her presence-chamber, with ease at my food, and rest in my bed. I am pushed from the shore of comfort, and know not where the winds and waves of a court will bear me; I know it bringeth little comfort on earth; and he is, I

* Murdin, p. 366.

reckon, no wise man that looketh this way to heaven. We have much stir about councils, and more about honours. Many knights were made at Theobald's during the king's stay at mine house, and more to be made in the city. My father had much wisdom in directing the state, and I wish I could bear my part so discreetly as he did. Farewell, good knight, but never come near London till I call you. Too much crowding doth not well for a cripple, and the king doth scant find room to sit himself, he hath so many *friends*, as they choose to be called, and heaven prove they lie not in the end. In trouble, hurrying, feigning, suing, and such like matters, I now rest your true friend."*

Such was the feeling of regret with which the accession of the new dynasty was regarded, even by persons who shared most in the royal patronage. Every subsequent step in Cecil's history only served to confirm those desponding impressions which the preceding letter so pathetically disclosed.

There was much in the policy of this minister to be applauded; but to retain the favour of James, it became necessary that he should incur the hatred of the people, and what he appears to have felt still more, the rebukes of conscience. If to have prevented the spoiling of his fortune, by parting with his integrity, would, under any circumstances, have been a sorry commerce; to part with honesty, and to fail in the object for which that loss was submitted to, must have been doubly distressing. But this was evidently the fate of Salisbury. He contrived, indeed, to retain his place

* Nugæ Antiquæ, I. 344—346.

CHAP. XI. 1610.

in the cabinet; but the failure of his plans in connexion with the last meeting of parliament, left the anxious treasurer exposed to difficulties which broke his spirit, and rapidly impaired his health.

His errors.

Weldon has charged him with destroying "a cart-load of precedents which spoke the subjects' liberties." And judging from his conduct, we might indeed suppose him a man conscious of having effected such a demolition. There was not a question at issue between the crown and the people, from the meeting of parliament in 1604, to its dissolution, in 1610, in which he did not appear as the advocate of encroachment and arbitrary power. This was the case in the discussions relating to the authority of the house of commons with respect to disputed elections—the increase of duties without sanction of parliament—the creation of royal patents—the enforcement of feudal claims—and especially in the doctrine which he avowed respecting the power of the sovereign with regard to state offenders, and to the use of torture. Exhausted by disappointment and suffering, he visited Bath for the benefit of the waters. During his stay there, he received several friendly messages from James; but at Marlborough, on his return, breathed his last, unlamented by the nation, and, it would seem, but little regretted at court.*

Dies unregretted, May 24, 1612.

* Aikin's Court of James I. I. 394—403. This pleasing writer has printed some extracts from MS. letters addressed by Cecil to his son, which present a favourable view of his domestic, and even of his religious character. The following passage occurs in a letter to his son, while on the continent: "To which place (Geneva) I would not have you forbear to go, being so near it, but to spend some week there, or ten days, to see the exercises of their religion; though I would not have you think that whatsoever is more in our church must needs be too much, because it is more in outward ceremony

His loss, however, was soon felt by the monarch, and in some measure by the people. CHAP. XI.

The year which deprived the king of his most powerful minister, deprived him also of his elder son. It has been presumed that James felt the former bereavement more than the latter. Prince Henry's martial temper taught him to dwell with the most lively enthusiasm on the stories of Cressy and Agincourt, and on the exploits of the most illustrious of the English monarchs who had borne his name. A contrast was thus supplied to his father's timid and pacific disposition which could not be pleasing. It is said also, that this contrast was rendered still more unwelcome to the royal parent, by the freedom with which the heir apparent expressed his dissatisfaction with his father's cautious and easy policy, and spoke of the very different spirit which should animate his own. The sober statesman would not, perhaps, have considered the passion with which the aspiring youth sought and wielded almost every instrument of destruction, as among the more hopeful of his qualities.* Nor was it this propensity alone that rendered him so much a favourite with the court and the people. He was zealously attached to the protestant interest, and lived long enough to

1612. Death of Prince Henry.

His character.

than that petty state affordeth there. I would only have you learn their inward zeal in your prayers, and attentive hearing of the word preached; observing their avoiding licentious speech, and custom of swearing, of which I tax you not, but only wish you to be where you may be confirmed by observation of the doctrine and the discipline." James was not ignorant of this heterodox inclination in his adviser.—Winwood, III. 235—239, 301, 332.

* Boderie, the French ambassador, on calling to take leave of the prince, found him exercising the pike; and on asking his commands for the king of France, was answered, "Tell your king at what employment you left me."

CHAP. XI.

1612. Nov. 6.

afford those indications of capacity, and of generous feeling, which formed a rational ground of brilliant anticipation. He was cut off, however, in the nineteenth year of his age, and after a sickness which lasted little more than a fortnight.

Conduct of the king and the court.

This event was felt by nearly all parties as a national calamity. The king, and the persons most in favour with him, appeared to be least affected by it:—an unnatural circumstance, which gave rise to rumours of poison. Some, in the bitterness of their regret, did not hesitate to extend their suspicion to James himself, and they appear not to have been without the sanction of some strange circumstances as applied to Carr, the known enemy of the prince, and the established favourite of the monarch. Charles the first is said to have been of opinion, that the death of his brother was to be attributed to the jealousy of that rival. To us, at this distant period, it appears most probable that the prince died of a putrid fever. Three days only had passed since his decease, when Carr wrote to the English ambassador at Paris, instructing him to prosecute the negociation commenced with a view to the marriage of prince Henry, by merely substituting the name of Charles; and James not only prohibited all persons from approaching him in mourning, but gave orders that the preparations for the Christmas festivities should proceed without interruption. The indecency of all this is too palpable to require comment.*

† Osborne's Memorials. Nugæ Antiquæ. Coke's Detection. Welwood's Memoirs. Neal. Somer's Tracts, II. 231—252. Aikin's James I.

CHAP. XII.

FAVOURITES OF JAMES THE FIRST, AND MANNERS OF THE ENGLISH COURT.

CHARACTER OF THE KING'S FAVOURITES.—RISE OF CARR.—SUPPLANTED BY VILLIERS.—AMUSEMENTS AND VICES OF THE COURT.

THE death of the heir apparent, and of the principal minister of the crown, was inseparable from some important changes in the complexion of the court. From this period the king was governed by two favourites: first by Robert Carr, afterwards earl of Somerset, and subsequently by George Villiers, afterwards duke of Buckingham. Both were indebted for their prosperous fortune to superficial qualities. They were alike haughty in the exercise of their power, and were equally libertine in their conduct. They possessed the favour of the sovereign, and made but small effort to conciliate his subjects. Their elevation, as might have been expected, became the envy both of the court and the nation, and the close of their career proved to be a matter of regret with the few only who were immediately interested in its continuance.

1612. Character of the king's favourites.

1615.

On a festive occasion, Carr, in the capacity of equerry, had to present a shield to the king. His horse started at the moment, threw him to the ground, and fractured his leg, and the sympathy of

Rise of Carr.

CHAP. XII. 1612. James, attracted by the accident, was to ripen speedily into the warmest affection.* The youth, it was discovered, had been page to the king in Scotland, and his family had suffered as the friends of Mary Stuart. Under the tuition of the sovereign, he improved surprisingly, was soon loaded 1614. with wealth and honours, and finally created earl of Somerset.†

Supplanted by Villiers. But the same event which led to his assumption, of that title raised George Villiers to the office of cup-bearer to the king, and the ascendancy of the favourite was made ere long to give place to that of this new attendant. It was seen by the courtiers, that the noble person, and elegant manners, of Villiers, had interested the feelings of their master; and a party among them readily conspired to support him as the rival of the man who had so far April, 1615. engrossed the royal countenance.‡ This object was achieved with little difficulty. Carr had received his last title on his marriage with the countess of Essex; and to possess the person of that lady, who had long and openly preferred him to her husband, a divorce had been effected by his influence, and that of the monarch. Sir Thomas Overbury, a sincere and intimate friend of Carr, ventured to oppose this disgraceful scheme. Under some pretext, the objector was committed a close prisoner to the tower, and there, a few months later, he died of poison. For a while the rumour which this foul deed gave rise to, was contradicted, and hushed. It now became the ground of inquiry,

* Aul. Coq. 261. † Nugæ Antiquæ, I. 390.
‡ Rushworth I. 446.

which led to the conviction of Somerset, of his wife, and of several accomplices. The latter were executed. The countess confessed her guilt, was pardoned, and lived to the year 1632. Her husband denied the charge, and insisted on a reversal of his sentence, but he insisted in vain, and continued in obscurity and neglect until his decease, in 1645. Somerset, and the companion of his guilt, were thus spared to witness the brilliant career of their rival, who, as duke of Buckingham, was to obtain the same ascendancy over James and Charles, and, through nearly twenty years, was to exert a greater influence than either over the affairs of three kingdoms.*

Manners of the court.

A visible change had taken place in the manners of the English court before the death of Elizabeth. In the former part of her reign, her youth, her sex, and the splendour of her station, diffused around her a spirit of chivalry, and gave a prevalence, not only to the language of a high-strained loyalty, but to that of admiration. In her later days, when most of her attractions had disappeared, and when the hopes of her admirers were felt to be vain, she continued to demand the same homage; and it appeared to be rendered, but it was the body without the soul. A constrained pedantry supplied the place of genuine emotion, and the practice of uttering with the tongue what the heart felt not, became a fashionable vice. This evil was not lessened when the sceptre passed into other hands. The wisdom of the new king was to be approached

* Aikin's Court of James I. Weldon. Coke's Detection. State Trials, *passim*.

CHAP. XII. 1604.

as that of Solomon, and his power was to be feared as that of the Almighty's vicegerent; and, as flattery is only another mode of lying, it is not surprising, that in the English court, the promises, and even the oaths, of the most distinguished persons, soon came to pass for very little. Gaming and drunkenness broke forth upon the country like an inundation on the accession of the house of Stuart.

The king's chief care in Scotland was, "to have quietness, that he might hunt and hawk in security." In England these sports were pursued with equal avidity, but they were connected with amusements which the revenue of a Scottish monarch could not have supplied, and which the taste of Scottish subjects would not, perhaps, have endured.* "The king," writes a courtier of 1604, "came back from Royston on Saturday, but is so far from being weary or satisfied with those sports, that presently after the holidays he makes reckoning to be there again; or, as some say, to go further towards Lincolnshire, to a place called Ancaster heath. In the mean time here is great provision for the cockpit, to entertain him at home; and of masks and revels against the marriage of sir Philip Herbert with the Lady Susan Vere, which is to be celebrated on St. John's day. The queen hath likewise a great mask in hand against twelfth-tide, for which there was 3,000*l.* delivered a month ago."

On St. John's day "the court was great, and for that day put on the best bravery. The prince and duke of Holst led the bride to church: the queen followed her from thence. The king gave her,

* Birch's Memoirs, I. 236. Boderie, III. 196, 197. Lodge, III. 245.

and she, in her tresses and trinkets, brided and bridled it so handsomely, and indeed became herself so well, that the king said, if he were unmarried he would not give her, but keep her himself. The marriage dinner was kept in the great chamber. At night there was a mask in the hall, which for conceit and fashion was suitable to the occasion. The actors were the earl of Pembroke, the lord Willoughby, sir Samuel Hays, sir Thomas Germain, sir Robert Carey, sir John Lee, sir Richard Preston, and sir Thomas Bager. There was no small loss that night of chains and jewels, and many great ladies were made shorter by the skirt, and were well enough served that they could keep cut no better. The presents of plate and other things given by the noblemen were valued at 2,500*l.* But what made it a good marriage was a gift of the king's of 500*l.* land for the lady's jointure. They were lodged in the council chamber, where the king, in his shirt and nightgown, gave them a reveille matin before they were up." The rest is not decent. "The next day the king played in the presence, and as good or ill luck seldom comes alone, the bridegroom, who threw for the king, had the good fortune to win 1,000*l.* which he had for his pains; the greater part was lost by my lord Cranbourne."

"On twelfth-night," says the same writer, "we had the queen's mask in the banqueting house, or rather her pageant. There was a great engine in the lower end of the room which had motion, and in it were the images of sea horses and other terrible fishes, which were ridden by

CHAP. XII. 1604.

Moors. The indecorum was, that there was all fish and no water. At the farther end was a great shell in the form of a sloop, wherein were four seats; on the lowest sat the queen with my lady Bedford; on the rest were placed the ladies Suffolk, Darley, Rich, Effingham, Ann Herbert, Susan Herbert, Elizabeth Howard, Walsingham, and Bevil. Their apparel was rich, but too light and courtezan-like for such great ones. Instead of vizards, their faces, and arms up to the elbows, were painted black. The night's work was concluded with a banquet in the great chamber, which was so furiously assaulted, that down went table and tresses before one bit was touched."* The taste of the court had rather degenerated than improved, two years later, when the humorous sir John Harrington penned the following letter:—

"In compliance with your asking, now shall you accept my poor account of rich doings. I came here a day or two before the Danish king came, and from the day he did come until this hour, I have been well-nigh overwhelmed with carousal, and sports of all kinds. The sports began each day in such manner, and such sort, as had well-nigh persuaded me of Mahomet's paradise. We had women, and indeed wine too, of such plenty as would have astonished each sober beholder. Our feasts were magnificent, and the two royal guests did most lovingly embrace each other at table. I think the Dane hath strangely wrought on our good English nobles, for those whom I never could get to taste good liquor, now follow the fashion, and

* Winwood, II. 41, 43, 44.

wallow in beastly delights. The ladies abandon their sobriety, and are seen to roll about in intoxication. In good sooth, the parliament did kindly to provide his majesty so seasonably with money, for there hath been no lack of good living, shows, sights, and banquetings, from morn to eve.

"One day a great feast was held, and after dinner the representation of Solomon's temple, and the coming of the queen of Sheba was made; or, I may better say, was meant to have been made, before their majesties, by device of the earl of Salisbury, and others. But, alas! as all earthly things do fail to poor mortals in enjoyment, so did prove our presentment hereof. The lady who did play the queen's part, did carry most precious gifts to both their majesties, but, forgetting the steps arising to the canopy, overset her caskets into his Danish majesty's lap, and fell at his feet; though I rather think it was in his face. Much was the hurry and confusion; clothes and napkins were at hand to make all clean. His majesty then got up and would dance with the queen of Sheba; but he fell down and humbled himself before her, and was carried to an inner chamber, and laid on a bed of state, which was not a little defiled with the presents of the queen which had been bestowed on his garments, such as wine, cream, beverage, cakes, spices, and other good matters. The entertainment and show went forward, and most of the presenters went backward, or fell down, wine did so occupy their upper chambers. Now did appear, in rich dress, Faith, Hope, and Charity. Hope did essay to speak, but wine rendered her endeavours so feeble

CHAP. XII. 1606.

that she withdrew, and hoped the king would excuse her brevity. Faith was then alone, for I am certain she was not joined with good works, and left the court in a staggering condition. Charity came to the king's feet, and seemed to cover a multitude of sins her sister had committed; in some sort she made obeisance, and brought gifts, but said she would return home again, as there was no gift which heaven had not already given his majesty. She then returned to Faith and Hope, who were both sick . . . . . in the lower hall. Next came Victory in bright armour, and by a strange medley of versification did endeavour to make suit to the king. But Victory did not triumph long; for after much lamentable utterance she was led away like a silly captive, and laid to sleep in the outer steps of the antechamber. Now Peace did make entry, and strive to get foremost to the king; but I grieve to tell how great wrath she did discover unto those of her attendants; and, much contrary to her semblance, most rudely made war with her olive branch, and laid on the pates of those who did oppose her coming.

"I have much marvelled at these strange pageantries, and they do bring to my remembrance what passed of this sort in our queen's days, of which I was sometimes an humble presenter and assistant, but I did never see such lack of good order, discretion, and sobriety, as I have now done.

"I have passed much time in seeing the royal sports of hunting and hawking, where the manners were such as made one devise the beasts were

pursuing the sober creation, and not man in quest of exercise or food. I will now in good sooth declare to you, who will not blab, that the gunpowder fright is got out of all our heads, and we are going on hereabouts as if the devil was contriving every man should blow up himself, by wild riots, excess, and devastation of time and temperance.

"The great ladies go well masked, and indeed it be the only show of their modesty to conceal their countenance; but, alack! they meet with such countenance to uphold their strange doings, that I marvel not at aught that happens. The lord of the mansion is overwhelmed in preparations at Theobald's, and doth marvellously please both kings with good meat, good drink, and good speeches. I do often say, but not aloud, that the Danes have again conquered the Britons; for I see no man or woman either, that can now command himself or herself. I wish I was at home: *Orus, quando te aspiciam?*—and I will, before prince Vandemont cometh."*

Such was the refinement and the morality of the English court during this reign. That it should lead to a general licentiousness of manners was inevitable. James, indeed, was not of a temperament to be much enamoured by the other sex. But he possessed a meddling disposition in all things; and in the affair of the countess of Essex and Somerset, which involved the fate of Overbury, his name was disgracefully implicated. That story cannot be read, as given by those who knew most of its

* Nugæ Antiquæ, I. 348—350.

CHAP. XII. 1606—1625.

particulars, without a mixture of loathing and indignation, directed partly against the king, and generally against the impure and unprincipled herd usually about him.* It is true, the court of Elizabeth was not perfect on these points. But it must be remembered, that Harrington knew that court well, and that he had little reason to be prejudiced against the one succeeding it; and we have seen the astonishment with which he witnessed the marked degeneracy that now became manifest. In truth, the court of James the first contained nearly all the vice which belongs to that of Charles the second, with scarcely anything of its brilliancy.

The effect of this state of things near the throne, soon became obvious through the kingdom. Dr. White, dean of Carlisle, who was neither political malcontent, nor puritan, preached a sermon in the Spittle church, in 1613, and another at Paul's cross, in 1615, in both of which he presents the most foreboding picture of the times. Drunkenness, impurity, fraud, irreligion, profaneness, atheism, all are said to have increased within the last few years to an extent unprecedented and truly alarming.† Nor is the dean alone in bearing this testimony.

* Weldon's Court and Character of James I. p. 64—88. Truth brought to Light, p. 17—94. ed. 1692. State Trials, *passim*. Coke's Detection.

† "No sin is so great but it is among us, and the greatest sins many times either least punished, or not at all. And the course of sin is so general, that he begins to be counted very precise that will not swear and swagger with the worst. But if any man cleave a little more than ordinary to religion, that scarce suits with the civility of our time. And our sins are so open, that I must say with Bernard, 'they are become the fable of the world;' yea, the torrent of these things is so strong, that it seems manifestly to tend to the dissolution of all society. Three things maintain society: religion, justice,

It was in this reign that the custom of public ordinaries obtained, and these, ere long, became the centre of association among fashionable men. The thing was speedily imitated in the lower grades of society. These places not only became the scenes of frequent riot and intoxication, but the resort of gamblers—haunts where you might see the sharper and the money-lender plying their respective arts, and where all the worst consequences of such pursuits were daily depicted. Of the state of manners thus introduced, some judgment may be formed from the character of the cavaliers, who figured in the next reign, and were the fruit of it. The restraints imposed on this evil, after the death of James, are to be traced partly to the better discernment and better feeling of his successor, but still more to the growing strength of puritanism—its stern adversary.

and order. Religion is pitifully violated by atheism, blasphemy, heresy, horrible profaneness. The stages now in this city (woe to me that I should live to see it) toss the scripture phrase as commonly as they do their tobacco in their —— houses. Justice is destroyed by oppression, rapine, bribery, extortion, partiality. Government and order are profaned by contention, by contemning the magistrate: I have often seen the magistrate faced, and almost browbeaten, as he hath gone by. But that due observance and honour, that, by baring the head, bowing the knee, showing awful respect, they should yield to the public magistrates in so honourable a city, I have seldom seen."

The preacher further remarks, "The excess of apparel is such, both in men and women, from the lady to the milkmaid, that it should seem they imagine God gave them their riches for nothing but to deck themselves. The walls of old Babylon might have been kept in repair for as little cost as our women are; and a lady's head-dress is sometimes as rich as her husband's rent-day. There is as much possibly to be said of men. I have no hope to control it." Works, p. 24, 35, ed. 1624. These extracts are from the sermon at the Spittle church; the one delivered at Paul's cross contains many similar allusions to the manners of the age. "Drinking" is said to be "so taken up through the whole kingdom, that the Germans are likely to lose their charter," p. 10.

CHAP. XIII.

THE FATE OF SIR WALTER RALEIGH.

RALEIGH'S PROJECTED VOYAGE.—SAILS FROM PLYMOUTH.—ATTACK UPON ST. THOMAS.—RETURNS TO ENGLAND.—HIS TRIAL.—REMARKS.

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1617. Raleigh's projected voyage.

From the scenes of frivolity and vice, we now turn to mark the reverses which often attend the footsteps of courtiers, and the manner in which they have frequently become a sacrifice to party animosities and revenge. In the year 1617, the fate of Sir Walter Raleigh was decided. It will be remembered, that at the commencement of the present reign, this celebrated courtier was condemned to suffer the penalties of treason. The 1603. only evidence produced against him, was that of an absent witness;* and the communication supplied as from that witness, was so far suspicious and contradictory, as to be, both in law and equity,

* The paper signed by Cobham, and which constituted the only evidence against Raleigh, was extorted from him by threatening him with the severe penalties of contempt. There was no law to justify this proceeding; but, on the authority of a subsequent case, (2 Howell, 770. 12 Coke's Rep. 95.), it was declared to be contempt against the king's prerogative to refuse to answer questions put by the privy council, in matters concerning the interests of the state. In this, however, the great principle of our law, which refuses to consider any man as obliged to criminate himself, was infringed. See Phillips's State Trials Reviewed, I. 80, 81.

worthless.* The spirited defence of the prisoner excited the admiration of the people, and the brutality and injustice which disgraced the conduct of his opponents, created a powerful sympathy in his favour. The sentence pronounced was suspended during twelve years. Those years were passed in the confinement of the Tower, and in a state of separation from political parties, his chief solace being derived from the pursuits of literature and science.

To the genius of Raleigh, England had been long since indebted for the establishment of the colony of Virginia. The treasure of the fabled empire of Guiana had indeed eluded his own search, and that of others who had crossed the Atlantic in pursuit of it, chiefly under his direction. But the failure, it was contended, was not such as to justify despondency. To himself, the shores of the Oronooka, and the tribes who peopled them, were well known, and he doubted not, that were an expedition committed to his management for the purpose, he could open sources of opulence to England, equal to any thing possessed by Spain. James, always craving, and always necessitous, was at length induced to listen to overtures which appeared to be made with so much confidence of success.

But Gondomar, the Spanish ambassador, was a man whose presence exerted a powerful influence

* Raleigh, we have seen, insisted that a single witness was not sufficient to convict a person of high treason. Sir Edward Coke denied this; but in his works, published to instruct men when Raleigh should be no more, he took the very ground which that unfortunate man had taken, as ground rendered sacred by the laws of God and of the realm.—Ibid. 82.

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over the mind of the English monarch;* and his talents were employed to the utmost, either to prevent the intended enterprise, or to provide against it so as to render it fruitless. At this moment also, the hope of receiving the infanta as the bride of prince Charles, was cherished by the misguided king with unabated fondness, and with increasing confidence. The ambassador accordingly succeeded in alarming the fears of James, and in procuring the insertion of many prohibitory clauses in the patent of the adventurers. He insisted, moreover, that Raleigh should be obliged to state precisely the force which he meant to employ, the point at which it was his intention to land, and the spot where search was to be made for the supposed mine. The Spaniard having inveigled the English monarch into these disclosures, wrote to his countrymen, urging their preparation to resist the projected intrusion of the strangers.

March.

Sails from Plymouth, July.

Nov. 17.

The squadron with which Raleigh left Plymouth, consisted in all of fourteen sail. The voyage to the mouth of the Oronooka was not performed without considerable loss and suffering; and when arrived there, sir Walter's health was so much impaired, as to forbid his proceeding further. The command of five small vessels, carrying together less than three hundred men, was conferred jointly on his son, and Keymes, a captain of experience and fidelity. They were to proceed immediately to the mine, and to avoid hostility with the Spaniards, unless attacked by them. On reaching

* Tom Telltruth describes him as "well known to be the greatest cheater in Christendom."—See his curious paper in Somers' Tracts, II. 470.

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St. Thomas, the Spanish settlement, they were apprised that the title to the neighbouring territory, which Raleigh had set up on the ground of having taken possession of it in the reign of Elizabeth, would not be admitted, and the garrison fired upon the adventurers from the town. They landed instantly, and the result was, the capture and spoliation of the place. But young Raleigh had perished in conducting the assault: the booty obtained was inconsiderable; and all search after the expected mine proved to be fruitless.

1591.

Attack upon St. Thomas.

Keymes returned with these melancholy tidings to his master, and the insubordination which immediately followed, obliged the unhappy commander to direct his course toward England. The news of his misfortunes reached this country before him; and by the Spaniards, the attack upon St. Thomas was proclaimed in the most indignant terms, as a national outrage. The fears of James reverted instantly to the Spanish match, now so nearly adjusted, and he resolved to propitiate the court of Madrid, by the speedy sacrifice of the only man in England whom that court seems, at this time, to have feared as well as hated.* Lord Carew, on

* Raleigh had published his pamphlet against the proposed alliance with Spain some five years since; and the contemptuous terms in which he there spoke of that proud monarchy would hardly be forgiven. Nor was he mistaken in his estimate of its strength. The despatches of sir Charles Cornwallis, in Winwood, are to the same effect. A very moderate force, under the command of such an officer as Raleigh, might have stripped the Spaniard of his colonies. See the paper in Somers' Tracts, I. 410—421. It was thus that the English ambassador wrote to his sovereign, as to the state of Spain, so early as 1605: "I protest unto your majesty, into so great depth of disregardfulness are they fallen, as in this city, where the king maketh his continual residence, notwithstanding corn is in this country at present not unplentiful, there are few weeks in which it falleth not out, for some days, that there

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his knees, intreated the king in behalf of the offender. His majesty answered, "that it was as good hang him as deliver him to the king of Spain, who assuredly would, and one of them he must do—at least, if the case were so as the Spanish ambassador had represented it." "And when my lord yet pressed him," observes the same writer, "the king said, why the most that thou canst expect is, that I should give him the hearing,—and so dismissed him. And, indeed, a legal hearing is all sir Walter's well-wishers desire, for then they make no doubt that he will make his cause good against all accusations of this kind whatsoever."

Returns to England.

Raleigh was not long in ascertaining the intention of the English cabinet, and, after several efforts to quit the kingdom, he was lodged in the Tower—the building associated in his memory with so many years of gloom and suffering. That he should die, was the determination of the king; but the best mode of proceeding to the work of slaughter, perplexed the ingenuity of his advisers. If he were tried at all, justice required that it should be on the ground of some alleged misconduct in the recent enterprise. But to compass his death without affording him those means of defending himself which the law had secured, and which he had shown himself so capable of improving, it was resolved that the sentence pronounced upon

wanteth bread for one half of the people. To relate unto your majesty all the disorders of this state, is more tedious than sufficeth. Of no state in this world, may it be more truly said, that *it is a proud misery, and a miserable felicity.*"—Winwood, II. 85. See still stronger statements, Ibid. 73—75. 96.

1618. His trial.

him fourteen years since should be revived.* A warrant was accordingly issued, under the privy seal, requiring the Court of King's Bench to proceed against him. To this measure the prisoner objected, chiefly on the plea of his late commission, which, as it gave him the power of life and death over his fellow subjects, was certainly, both in reason and in law, equivalent to a pardon. But the statute of Edward the third, on which this plea was mainly founded, was overruled by his judges, who, to accomplish their object, were pleased to create a distinction between cases of felony and cases of treason. The condemned man entreated that some short respite might be allowed him to settle various matters which pressed upon him, but he entreated in vain. That day the royal signature was attached to the warrant for his execution, and the following morning he was led to the scaffold.†

When the hope of life had fled, Raleigh conducted himself with a firmness and temper worthy of the better portion of his character. Previously

* Osborn affirms that several of the jury who had condemned Raleigh at Winchester, were "so far touched in conscience, as to demand his pardon upon their knees;" and it is intimated, that his enemies would have found it difficult to extort a similar verdict from a second panel.—Memoirs, 428.

† Hume has laboured to vindicate the conduct of James toward Raleigh. This he does, on the ground of statements contained in a paper published by royal authority, and said, by the historian, to have the signature of *six privy councillors*, and to be a document of *undoubted credit*. It turns out, however, that the paper has no signature. (Harleian Miscellany, II. 2.) Nor does it appear that it was ever intended to receive any. Of the credit, also, to be attached to this production, the reader will judge from the fact, that its design was to save the government from the reproach of having made Raleigh a peace-offering to the court of Spain. That this reproach was richly merited, is now certain. In a subsequent communication, the Spaniards were officially told, that the death of Raleigh was a deed done "chiefly for giving them satisfaction."—Rushworth, I. 9.

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to his trial in 1603, the freedom of some religious speculations attributed to him had exposed him to the charge of atheism. But his long imprisonment appears to have had a favourable influence on his religious feeling. The divine who attended him during his last hours, speaks thus of his mind at that crisis. "He was the most fearless of death that was ever known, and the most resolute and confident, yet with reverence and conscience. When I began to encourage him against the fear of death, he made so light of it that I wondered at him. When I told him that the dear servants of God, in better causes than his, had shrunk back and trembled a little, he denied not, but gave God thanks he never feared death, and much less then."

At the place of execution, the earls of Arundel, Pembroke, and Northampton appeared among his friends. With the aid of notes he delivered himself at some length, refuting various charges urged against him: but he left the justice of the sentence under which he perished to the judgment of others. He took the axe from the executioner, and feeling its keen edge, calmly observed, "it is a sharp medicine, but the certain cure of all diseases."

October 29. He then laid his head upon the block, and waiting the deed of the headsman, exclaimed, "Why dost thou not strike? Strike, man!" These were his last words. The second blow severed the head from the body.*

Remarks. The following remarks on this judicial murder, are too pertinent to be omitted:—"Such was the fate of Sir Walter Raleigh, who had contributed so

* Caley's Life of Raleigh, *passim*.

signally to the glory of the English nation; eminently accomplished in the arts both of war and peace, an historian, a poet, statesman, philosopher, and one of the most celebrated captains of the age. He had acquired at the close of his life the greatest popularity, and had become a favourite of the people. They sympathised with his adverse fortune, admired the heroic spirit with which he bore his lingering imprisonment, and fondly regarded him as the last of the great captains of Elizabeth's reign. One of his contemporaries, in drawing his character, justly and eloquently styles him, 'that rare renowned knight, whose fame shall contend in longevity with this island itself, yea, with that great world which he historiseth so gallantly.' On the subject of sir Walter Raleigh's execution, there can only be one opinion, — that it was in the highest degree unjust and cruel. The conviction itself was extremely hard, not to say illegal; and so sensible of this was the government, that his life was in consequence reprieved. His conduct, during his long imprisonment, was unimpeachable. Even his enemies have never insinuated, that, from the time of his trial to the moment of his receiving the royal commission, which was an interval of fifteen years, he had ever done a single act to forfeit the clemency by which his life had been spared. During that long interval his loyalty was unsuspected; he had not engaged in the politics of the day, nor connected himself with any party in the state; but devoted his days and nights to his favourite studies of history and philosophy. Such nobleness of character deserved a pardon; at least,

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such an imprisonment was enough to satisfy the demands of justice. If afterwards he had been guilty, as was alleged, of some misconduct, while acting under the royal commission, for this he was amenable to the laws of his country. It was due to him, and to the public not less, that the charge should be brought forward openly against him, and that the accused should be put upon his defence. But the course adopted by the government in taking away his life, on a stale judgment of fifteen years' standing, was equally unjust and mean: for while they professed only to execute the sentence for the crime of high treason, their real object was, unquestionably, in compliance with the demands of the court of Spain, to take vengeance on him for some alleged misconduct in South America. 'You might think it heavy,' said the lord chief justice Montague, in delivering the judgment of the court, 'if this were done in cold blood to call you to execution. But it is not so. For *new offences* have stirred up his majesty's justice to remember to revive what the law hath formerly cast upon you.' With those new offences, whatever they might be, he was never publicly charged. Yet he was accused without a public prosecutor, and condemned without a trial. And at last he was executed for the presumed guilt of those undefined, untried, offences, on the old judgment of high treason, for which he had suffered no less than fifteen years' imprisonment.*

* Phillip's State Trials, I. 77—79. The governor of the tower was the father of the now well-known Lucy Hutchinson, and the kindness of his wife contributed much to lessen the tediousness and suffering of Raleigh's confinement.—See Memoirs of Colonel Hutchinson, I. p. 22.

CHAP. XIV.

PARLIAMENT OF 1614.

CONDUCT OF THE COURT.—KING'S SPEECH.—QUESTION OF IMPOSITIONS.—UNCONSTITUTIONAL DOCTRINE OF THE BISHOP OF LINCOLN—HIS CONDUCT CENSURED.—PARLIAMENT DISSOLVED.

THE first parliament under the present monarch was dissolved at the close of the year 1610. The second was not convened until the spring of 1614. During this interval, the earl of Somerset had chiefly influenced the mind of the king, and toward the close of it, the opponents of that favourite appear to have been nearly all removed or reconciled. But the years which had passed since the death of Salisbury, and the dissolution of the last parliament, had passed without improvement in the economy of the court; nor had the ministers succeeded in obtaining any adequate supply of money from those illegal practices, whence so much aid had been anticipated. By thus allowing more than three years to pass without a parliament, and by resorting to so many doubtful and difficult plans, for the purpose of conducting the government without the assistance of such an assembly, it became evident that James would not again meet the council of the nation, unless constrained by some hard necessity. In 1614 this crisis had arrived.

April 5.

Conduct of the court.

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Somerset endeavoured to rally the spirits of his master, by assuring him, that, with proper management, it would be possible to secure a majority in both houses, that should be favourable to the wishes of the court. The parties who thus undertook to influence the proposed elections, acquired from their service the name of "undertakers."*

This experiment, on the part of the king's advisers, did not escape the notice of the popular candidates; and it became so much the matter of rumour through the country, that James, in his speech from the throne, considered it important to express his contempt of all such proceedings, as unsuited to his dignity. He chose rather to appeal to the religion, the patriotism, and the benevolence of his subjects, and assured them, as he should answer it to God, that "his natural affections were like the redness of his heart; his integrity like the whiteness of his robe; his purity like the metal of gold in his crown; and his firmness and clearness like the precious stones he wore." This solemn nonsense was followed by some remarks on the impolicy of religious persecution, which are more worthy of attention; and had the principle of them been acted upon, it would have prevented the chief calamities, and the ultimate overthrow of the house of Stuart. "No state or story," he observes, "can evidence that any religion or heresy was ever extirpated by the sword, or by violence, nor have I ever judged it a way of

King's speech. April 8.

* These were the beginnings of that government influence with regard to parliaments, of which we have seen much in later times. The advice of Somerset, as to calling a parliament, was strongly seconded by lord Bacon.

planting the truth. An example of this I take where, when many rigorous councils were propounded, Gamaliel stood up and advised, that 'If that religion were of God, it would prosper; if of man, it would perish of itself.' Beside, men are so prone to glory in defending and sealing their opinions with their blood, that the primitive church in one age declined into an affectation of martyrdom. And many heresies have had their martyrs, which have gone with the same alacrity, and desire, and assurance, to the fire, as those who have witnessed for the truth have done." Yet at this moment the laws against the catholic worship were to be enforced with new rigour; and many of the most learned and devout protestants were compelled either to conform to practices which they believed to be sinful, or to become exiles, in search of liberty to worship God according to their conscience. The latter class of persons, also, had to ascribe their sufferings chiefly to the personal animosity of the sovereign. But, according to James, no suffering on account of religion was to be considered as persecution, if it did not extend to a loss of "life or land."*

The chief topics of address, on the part of the king and his ministers, referred to the necessity of a liberal and an immediate supply. To obtain this, the monarch was lavish in his professions of friendship; promising, among many similar things, that he would in future show himself "contrary to all tyrants, who love not advising with their subjects, but hate parliaments." It was hoped, there-

* Parl. Hist. I. 1049—1051.

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fore, that the present intercourse between the king and his people would be of so kindly a nature, as to deserve the name of the "parliament of love." And it was deemed particularly desirable that the commons should not approach any of the subjects of grievance, until the proposed supply of money should be voted. The parliament, it was said, should extend to another session, to take place at Michaelmas, when any matters left unsettled might be taken into consideration. The sovereign, indeed, notwithstanding the largeness of his promises in other respects, did not hesitate to affirm, that he would no more deal with them "like a merchant, by way of exchange, for every bargain chete the lone."

Question of impositions. May 21.

But the commons placed little confidence in the royal word, and determined to provide against the possibility of becoming the victims of a treacherous policy. They accordingly began with proposing a conference of both houses on the question of "impositions." This, the influence of the court and of the prelates was sufficient to prevent. The disappointment produced irritation, and occasioned other delays. In the upper house, the application of the commons led to a discussion, in the course of which, Neile, bishop of Lincoln, was said to have declared, that the right of levying impositions on property belonged to the crown; that to question it was to disturb the foundations of kingly power; and that the method of procedure insisted on by the lower house originated in a temper of mind tending to sedition. In our time, the one house of parliament is not supposed to be aware of

Unconstitutional doctrine of the bishop of Lincoln.

what is passing in the other. In this age it was otherwise; and, in the case now adverted to, the commons called upon the lords to punish the man who had dared to slander their loyalty.* The lords brought the offender to an acknowledgment of his fault, upon his knees, and with tears; and, in communicating the fact to the commons, they claimed it as a privilege of their body, "that hereafter no member of their house ought to be called in question, when there is no other ground than public and common fame."†

His conduct censured.

May 31.

The penance imposed on the offending bishop was not considered by many, among the offended party, as sufficient; and, in a subsequent discussion, some sharp reflections were made, not only on the conduct of the bishop of Lincoln, but on that of the ruling clergy in general.

Nearly two months were occupied in these disputes, and in questions which were to take the precedence of supplies.‡ James, on ascertaining

Supply detained.

* The question whether taxes might be imposed by royal authority, had been negatived unceremoniously. Sir Henry Wotten, indeed, and Winwood, asserted the contrary, but derived their precedents from Italy, France, Germany, and Spain. Sir Edwin Sandys justly observed, that the princes adverted to had the power of making laws, as well as of imposing taxes, and affirmed the one attribute of despotism to be as reasonable as the other.—Journals, 472, *et seq.* The lords called for the opinion of the judges, who, by the voice, and most probably by the influence, of chief-justice Coke, declined delivering it.—Lords' Journals, May 23.

† Parl. Hist. I. 1159—1162.

‡ Secretary Herbert assured the house, that the kingdom had become "a contempt and scorn in all other parts," by reason of its poverty; and having described his majesty's present grace as another magna charta, he reminded the members that "the superfluities of one year, of every man at his table, apparel, &c. would discharge the king's debts." The chancellor offered to disclose the particulars of the royal debts to any member privately.—Parl. Hist. I. 1164. Bacon observed, that the states of Europe were never so dark; and that to look but a year before him, would trouble the best

CHAP. XIV. 1614.

that the friendliness and condescension with which he had commended himself to the commons had been so little appreciated, soon became impatient, and was at length highly incensed. He sent a message, threatening to dissolve the parliament in a few days, "unless they forthwith treated of his supply." The house became somewhat alarmed, remembering, that if the present parliament were dissolved, it must be with a determination that no other should be convened. A committee of the house was formed, to give immediate attention to the king's message; and there appears to have been a disposition to comply with it, at least in part. What was done is unknown; but, on the following day, the monarch issued a commission declaring the parliament dissolved. The members accordingly separated, without voting any supply, or bringing a single bill to maturity. This assembly was, in consequence, described, in the language of the day, as the *addle* parliament.*

June 5.

Parliament dissolved, June 7.

But, if the commons had not succeeded in their object, the court had been equally foiled. James, on the following day, resumed the policy of imprisoning the members who had become conspicuous as opponents of his plans. Several were brought before the council; and after being severely reprimanded, as having substituted licentiousness of speech in the place of that decent liberty which had been granted them, some were dismissed, and others

watchmen. But the commons replied, that the house should be called, and the communion taken, before the question of supply was entertained, which delayed the business till after Easter.—Ibid. 1165.

* Sixty bills had been sent up to the lords, several of which were rejected.

were committed to the tower. It was insisted that the principal offenders, who do not appear to have been leading men, should declare the names of the persons who had encouraged their manner of proceeding; and from their disclosures other imprisonments followed. The only effect of the session, accordingly, was to place the king and his subjects at a greater distance than ever, and to prepare the way for a more decisive struggle at a future day. The next parliament convened was in 1621, nearly seven years later; and the records of that assembly will show the manner in which England was governed during so long an interval.*

* Reliquæ Wottonianæ, 433. The king's debts, at this time, were not less than twelve hundred thousand pounds; his annual expenditure in pensions amounted to eighty-five thousand. Among the schemes adopted to avoid the necessity of calling the parliament of 1614, was a public lottery, the first known in this country. In the discussion which took place respecting the authority of the crown to impose duties on merchandise, it was remarked by sir Edwin Sandys,—"That all kings were originally elective, except such as came in by the sword; whom, for that reason, it was lawful to expel by the sword, whenever the people had the power to do it."—Journals, 471. It is a curious fact, also, that the first object to which this parliament applied itself was to settle the succession, in default of the male line, on the children of the princess Elizabeth; and this was done, moreover, in compliance with the wish of a monarch whose theory included so little regard to the authority of parliaments on such mysterious matters as the rights of sovereignty. But thus mixed are all their elements of our history under James I. It is stated in a private letter of the time, that the king sent for the commons to Whitehall before dismissing them, and tore all their bills in pieces before them.—D'Israeli's Character of James I. p. 158.

CHAP. XV.

SIR EDWARD COKE—LORD BACON.

RIVALRY OF COKE AND BACON—QUARREL BETWEEN THEM—TRIUMPH OF BACON.—CAUSES OF COKE'S DISGRACE.—ALARM OF BACON.—COKE AGAIN CHOSEN OF THE PRIVY COUNCIL.—BACON'S IMPEACHMENT AND DEATH.

CHAP. XV.

1615. Rivalry of Coke and Bacon.

FROM the dissolution of the parliament, in 1614, we may date the fall of Somerset, and the rise of Villiers. Contemporary with these rivals were sir Edward Coke, and sir Francis Bacon; the first holding the office of chief-justice, the second that of attorney-general. These persons were also rivals; but their elevation resulted from far other qualities than those which contributed to the ascendency of the royal favourites. The profound philosophy of Bacon belonged to no second man: and the legal erudition of Coke was scarcely less remarkable. The passionate desire of wealth and office may comport but little with that comprehensiveness and penetration by which the views of the attorney-general were distinguished; but, in the mind of that extraordinary man, this vulgar order of ambition was allowed to make its inroads upon every nobler sentiment, as with a giant hand. The chief-justice, amid much infirmity of temper, and, it may be, with some more important deficiencies, frequently discovered an attachment to justice as

required by the laws of this realm, which, if it increased the circle of his enemies, was not without adding to the number of his friends. Destitute, however, as Bacon was of that enterprise andfortitude which are generally necessary to the patriot, he excelled, among other accomplishments, in that urbanity and pliancy which are essential to the courtier. From the declining health of lord Elesmere, it was certain that the chancellor's seat must, at no distant period, become vacant; and that dignity, to which the attorney-general aspired with a sleepless solicitude, was known to possess similar attractions in the mind of the chief-justice. But, while Bacon had mixed in public affairs, with scarcely any other view than to raise himself, by serving the prerogative, or cringing to the powerful, Coke had detracted from the merit of some important services rendered to the king by the uncourteousness of his manners, and by the freedom with which he had delivered his opinions on some important questions, in opposition to the known declarations of the monarch. He could hardly be insensible that the royal favour was not usually won by such means, and his rival failed not to insinuate that such conduct discovered a greater concern to obtain the applause of the people, than to protect the rights of the sovereign.

Quarrel between them.

Bacon preserved a memorial of the occasion on which this brooding enmity broke forth, and records some of the terms in which it was expressed on both sides. The altercation took place in the exchequer, before many witnesses:—" Mr. Attorney kindled and said, ' Mr. Bacon, if you have any

CHAP. XV. 1617.

wrath against me, pluck it out; for it will do you more hurt than all the teeth in your head will do you good.' I answered coldly in these very words; 'Mr. Attorney, I respect you; I fear you not, and the less you speak of your own greatness, the more I will think of it.' He replied, 'I think scorn to stand upon terms of greatness towards you, who are less than little; less than the least;' and other such strange light terms he gave me, with that insulting, which cannot be expressed. Herewith stirred, yet I said no more than this; 'Mr. Attorney, do not depress me so far; for I have been your better, and may be again, when it please the queen.' With this he spake, neither I nor himself could tell what, as if he had been attorney-general; and in the end bade me not meddle with the queen's business, but with mine own; and that I was unsworn, &c. I told him, sworn or unsworn was all one to an honest man; and that I ever set my service first, and myself second; and wished to God that he would do the like. Then he said, it were good to clap a '*cap. utlegatum*' upon my back! To which I only said, he could not; and that he was at fault; for he hunted upon an old scent. He gave me a number of disgraceful words besides, which I answered with silence, and showing that I was not moved with them."*

Triumph of Bacon.

From this time the hostility of these opponents was redoubled. But, for a while, success was on the side of Bacon, who, a few weeks after the death of Elesmere, was advanced to the office of

May.

chancellor. The particulars in the conduct of sir

* Bacon's Works, VII. 338, 339.

Edward Coke, which had given his adversary this visible triumph over him, are deserving of notice.

1614.

Causes of Coke's disgrace.

On the dissolution of the last parliament, among the plans devised to replenish the treasury, was one relating to a benevolence, which was to be extended from the nobility and the courtiers to all persons of any considerable property through the kingdom. Coke opposed this measure as illegal. And though afterwards induced to deliver a different opinion, his previous judgment was believed to have been his real one. This occurrence operated much to the injury of a project, from which important advantages were anticipated by the king and his advisers. They were voluntary offerings which were thus solicited, and the sum obtained proved inconsiderable.*

Case of Peacham.

This circumstance, and some others, had rendered the chief-justice less acceptable at the council board than formerly, when the case of Peacham, a puritan minister in Somersetshire, involved him in fresh collision with his colleagues. A sermon was found in the study of this clergyman, never preached, and, as it appeared upon his trial, never intended to be preached, but in which were some heavy censures on the extravagance, and general character, of the court and the government. James entered warmly into this business as a case of treason; but as it was impossible to construe the discovery of this paper into a compassing or imagining of the king's death, it was resolved that no pains should be spared to ascertain the advisers or accomplices

* Mr. Oliver St. John resisted this loan, and spoke of it in strong language of reprobation. He was sentenced, in the star-chamber, to pay a fine of 5000*l.* State Trials, II. 889.

CHAP. XV. 1614.

of its author. At the command of the sovereign, the old man—more than sixty years of age—was examined "before torture, in torture, between torture, and after torture." But nothing was elicited by this illegal and inhuman process. The resentment of James was increased by this mortifying result, and he now insisted, that the mere composition of such a paper involved the guilt of high treason. Coke not only maintained, that the guilt of the offender should be limited to defamation, but objected to the separate and verbal applications which were now made to the judges on this point, as contrary to the customs of the realm. Peacham was, nevertheless, condemned as a traitor. But his prosecutors appear to have shrunk from the odium of inflicting the sentence obtained, and the unhappy man, after lingering a few months in prison, expired.*

Case of Owen.

In the same year, Owen, a catholic, was charged with saying, that "a king, being excommunicated by the pope, may be lawfully deposed, and killed by any one." This was said to be treason. But the defendant urged that it could not be so, as the

* State Trials, II. 870—879. Dalrymple's Memorials, I. 54—65. In the last of these letters, James reasons with his utmost strength to convince the judges, that the conduct of the offender amounted to an imagining of the king's destruction; and he concludes by observing, "If judges will needs trust better the bare negative of an infamous delinquent, without expressing what other end he could probably have, than all the probabilities, or rather infallible consequences, upon the other part, caring more for the safety of such a monster, than the preservation of a crown, in all ages following, whereupon depend the lives of many millions; happy, then, are all desperate and seditious knaves, but the fortune of this crown is more than miserable." The vanity and disingenuousness of the king's reasoning on this subject have nothing peculiar in them; but the atrocious cruelty of his conduct toward his wretched victim, is in poor keeping with his reputed good nature, and deserves a feeling stronger than contempt.

English monarch had not been excommunicated by the pope. The expression could not, accordingly, apply to him. Coke again ventured to dissent from the king, and the judges, by admitting this exception to be valid.*

Conduct of Coke with respect to the court of chancery.

But, connected with these occurrences, were some proceedings in the court of chancery, which became the occasion of still greater trouble to the chief-justice. That court was meant to decide on various cases of inheritance and property, which were supposed to be unprovided for in the courts of common law. It was to proceed more in the character of an arbitrator than of a judge. But the limits of its jurisdiction were, at this time, in many respects, undefined; and as the chancellor was a member of the government, and the temper of the government frequently arbitrary, the exemption of this court from the technicalities and precedents which bound the courts of common law, was highly favourable to its encroachments. Coke was doubtless animated by a dislike of individuals, in many parts of his public conduct; but there is room to believe that it was chiefly a patriotic jealousy in favour of the common law, which influenced him in attempting to keep the proceedings of chancery within narrow limits. It happened, about this time, that a case, which had been decided before the chief-justice, was reheard by the chancellor, in order that the defendant might be obliged to answer upon oath. Coke affirmed the transaction to be a violation of the statute of premunire, which forbade causes to be carried from the king's court

* State Trials, II. 879—883.

CHAP. XV. 1615.

to any other.* Some spirited discussions arose out of this circumstance; but the king supported what his chancellor had done, and became still more dissatisfied with the conduct of the chief-justice.

And in the king's bench.

Nearly at the same time, a cause was argued in the court of king's bench, "wherein the validity of a particular grant of a benefice to a bishop, to be held in commendam, that is, along with his bishopric, came into question: and the counsel at the bar, besides the special points of the case, had disputed the king's general prerogative of making such a grant. The king, on receiving information of this, signified to the chief-justice, through the attorney-general, that he would not have the court to proceed to judgment till he had spoken with them. Coke requested that similar letters might be written to the judges of all the courts. This having been done, they assembled, and by a letter subscribed with all their hands, certified his majesty, that they were bound by their oaths not to regard any letters that might come to them contrary to law, but to do the law notwithstanding; that they held with one consent the attorney-general's letter to be contrary to law, and such as they could not yield to, and that they had proceeded according to their oath to argue the cause.

"The king, who was then at Newmarket, returned answer that he would not suffer his

* According to the spirit of the statute of premunire, this exposition was hardly tenable, as the appeals prohibited were evidently from the secular to the spiritual courts, especially the court of Rome.

prerogative to be wounded, under pretext of the interest of private persons; that it had already been more boldly dealt with in Westminster Hall, than in the reigns of preceding princes, which popular and unlawful liberty he could no longer endure; that their oath not to delay justice was not meant to prejudice the king's prerogative; concluding, that out of his absolute power and authority royal, he commanded them to forbear meddling any further in the cause, till they should hear his pleasure from his own mouth. Upon his return to London, the twelve judges appeared as culprits in the council-chamber. The king set forth their misdemeanour, both in substance, and in the tone of their letter. He observed that the judges ought to check those advocates who presume to argue against his prerogative—whereof the one was ordinary, and had relation to his private interest, which might be, and was every day, disputed in Westminster Hall; the other was of a higher nature, referring to his supreme and imperial power and sovereignty, which ought not to be disputed or handled in vulgar argument; but that of late the courts of common law were grown so vast and transcendant, as they did both meddle with the king's prerogative, and had encroached upon all other courts of justice. He commented on the form of the letter, as highly indecent; certifying him merely what they had done, instead of submitting to his princely judgment what they should do." *

That jealousy of the common law, and of its

* Hallam, I. 373—375.

CHAP. XV. 1616.

advocates, which is expressed in this passage, never ceased to occupy the mind of James, and was inherited by his children. The spirit, however, with which the judges had appeared to act in this affair now deserted them. Upon their knees they acknowledged their fault, and Coke found himself exposed alone to the king's displeasure. But his firmness was equal to the test. He vindicated what he had done; and to a supposed case, on which his opinion was demanded, he chose to give no other answer than that, when such a case should come before him, he would not fail to deal with it as became him.

June 30.

The chancellor, the attorney-general, and the primate, all persons whose pretensions the chief-justice had opposed, and who had become his personal enemies, were now employed to furnish materials of accusation against him. He was in the meantime suspended from his functions, and directed to employ himself in revising his book of reports, and in correcting some important mistakes which were said to be found in it. Had he been capable of bending to the storm, the king was

October.

still inclined to favour him; but he scorned to be tutored in his profession by the men who were deputed to that office. He professed that a very careful attention to what he had published, had not enabled him to discover more than five inaccuracies, and those were of a trivial description. This was represented as the effect of pride and

November.

obstinacy; and the next step was his dismission from office, his place being supplied by Montague, recorder of London.

CHAP. XV.

Bacon had scarcely occupied his seat as chancellor, when his fears respecting it were again excited. The daughter of Coke was a rich heiress, whose hand had been solicited by sir John Villiers, brother of the favourite. In the present state of affairs, the father considered it prudent to intimate his approval of the match. Bacon became alarmed, and employed himself to frustrate the scheme; but his interference only served to increase his danger, and exposed him to an alarming menace from Buckingham, and from the king. Coke, on the consummation of the marriage, was restored to a place in the privy council, and his rival, after a severe humiliation, and professions of penitence, was allowed to continue in office.*

1617. Alarm of Bacon.

Coke again chosen of the privy council.

The former of these distinguished men was to become conspicuous in the controversies of the next reign; but the political history of the latter closed before the decease of the present sovereign. In 1621, sir Francis Bacon was known as lord Verulam and viscount of St. Alban's. But at that period his venality as chancellor was the topic of every circle, and it soon became the subject of a parliamentary impeachment. It was well known that his predecessors were by no means guiltless; but their practice, it was argued, could not justify what was in itself unlawful, still less should it be allowed to excuse the offences of a man who had so far exceeded them in delinquency. The charges preferred were mostly such as did not admit of reply. A few minor particulars, in certain cases, might have been explained; but the substance remained,

Bacon's impeachment and death.

1621. March.

* Bacon's Works, *ubi supra.*

CHAP. XV. 1621. Apr. 24—30. May 3.

and from his chamber the humbled offender acknowledged their general truth. In that retreat he soon learnt the sentence of his judges. It required that he should pay a fine of 40,000*l.*, that he should be a prisoner at the king's will, and declared him for ever incapable of holding a seat in parliament, of approaching the court, or of possessing any office in the state.* The fine was remitted, as was the penalty of imprisonment.

The ex-chancellor sometimes endeavoured to soothe his disappointed spirit by revising his works, or adding to their number. Yet, as though insensible to the charms of an occupation in which he was so pre-eminently fitted to excel, his mind was constantly recurring to his forfeited emoluments and honours. The king, the favourite, and all who possessed the power of aiding his return to public life, were besieged with letters, characterised, to an almost incredible extent, by abject entreaty and unprincipled adulation.† The fifth year, however,

* Lords' Journals, 53, *et seq.* Parl. Hist. 1214, *et seq.*

† The most interesting period of Bacon's life, is during the early part of the present reign. His letters never bespoke a greater thirst of office than during that time; but the many plans of social improvement which his genius then devised, and which he urged on the attention of the king and the government, have connected some rays of moral greatness, with that intellectual splendour, which never failed to distinguish him. The following passage is from a speech, in which, soon after the king's accession, he opposed the popular grievance called purveyance: "Instead of takers, they (the purveyors) become taxers; instead of taking provision for your majesty's service, they tax your people, *ad redimendam vexationem*, imposing upon them, and extorting from them divers sums of money, sometimes in the gross, sometimes in the nature of stipends annually paid, *ne noceant*, to be freed and eased of their oppression. Again, they take trees, which by law they cannot do; timber trees, which are the beauty, countenance, and shelter of men's houses; that men have long spared from their purse and profit; that men esteem for their use and delight ten times above their value; and are a loss which men cannot repair or recover; these do they take, to the defacing and spoiling of

after his sudden fall arrived, and found him still neglected by the court. Bacon then expired, leaving to the contemplation of posterity a character equally remarkable, on account of what should be admired in it, and what should be despised; and one demonstrating how little of present happiness is to be derived from intellectual superiority, if unaccompanied by the discipline of the passions.

1626. May 9.

your subjects' mansions and dwellings, except they be compounded with, to their own appetites. Again, they use a strange and most unjust exaction, in causing the subjects to pay poundage of their own debts, due from your majesty unto them, so as a poor man, when he has had his hay, or his wood, or his poultry, (which, perchance, he was full loth to part with, and had for the provision of his own family, and not to put to sale,) taken from him, and that not at a just price, but under the value, and cometh to receive his money, he shall have after the rate of twelve pence in the pound abated, for poundage of his due payment, upon so hard conditions: nay, further, they are grown to that extremity, as it is affirmed, though it is scarce credible, save that in such persons all things are credible, that they will take double poundage, once when the debenture is made, and again, the second time, when the money is paid." How is it to be deplored, that this power of pathetic eloquence was not more frequently thus employed!

Writing to James, after his fall, he remarks: — "Your majesty knoweth well, I have been, all my life long, acceptable to those assemblies (parliaments), not by flattery, but by moderation, and by honestly expressing a desire to have all things go fairly and well." Cabala. 56.

CHAP. XVI.

PARLIAMENT OF 1621.

QUESTION OF PRIVILEGE. — TWO SUBSIDIES VOTED. — THE GRIEVANCE OF MONOPOLIES EXAMINED.—IMPEACHMENT OF MOMPESSON AND MITCHELL.— FURTHER IMPEACHMENTS.—PARLIAMENT ADJOURNED.—PROCEEDINGS OF THE COURT DURING THE RECESS.—MEETING OF PARLIAMENT.—PETITION OF THE COMMONS.—DISPLEASURE OF THE KING.—REPLY OF THE COMMONS—AND OF THE MONARCH.—PROTEST CONCERNING PRIVILEGES.—KING'S DISPLEASURE.—PARLIAMENT DISSOLVED.—IMPRISONMENT OF MEMBERS. — EFFECT OF THESE PROCEEDINGS.—BUCKINGHAM AND CHARLES VISIT MADRID.

CHAP. XVI. 1621.

THE parliament which inflicted this death-wound on the reputation, and on the heart, of the lord chancellor, extended its rigid scrutiny to other abuses, and to other delinquents. The circumstances under which it was convened are worthy of notice. The elector Palatine, son-in-law to the king, had been recently expelled from the throne of Bohemia; and deprived, moreover, of his patrimonial possessions, he was reduced to a state of poverty and exile. This triumph of the catholic confederacy on the continent, had alarmed the protestant feeling of this country; and it was fully expected, that, under the plea of resisting these encroachments of popery, a liberal supply might be obtained from the commons, a portion of which it would be easy to appropriate so as to diminish the growing embarrassments of the crown. In this scheme the king was less sanguine than his

Nov. 6.

ministers. But he at length consented to try an experiment again, which had often failed. CHAP. XVI. 1622.

James addressed the new parliament in a speech which was evidently meant to soothe and conciliate.* Indeed, it contained a voluntary tender of many things which former parliaments had solicited in vain. But the first object of both houses was to seek the more complete subjection of that cause at home, which was considered as menacing them anew from abroad. To accomplish this, the pulpit and the press were already put into vigorous requisition. The king was petitioned to carry every penal law enacted against catholics into immediate and unsparing execution; and, as a stimulus, was urged to appropriate to himself two thirds of the fines obtained from popish recusants. Jan. 30. Feb. 5.

From the question of religion, the commons proceeded to those of privilege, and general liberty. It was observed that the conduct of several members of that house, during the last parliament, had been subsequently noticed by the council, and punished with imprisonment. It was admitted that, in support of such proceedings, the sovereign might plead certain illegal acts on the part of several among his predecessors; but it was contended, that unless the right of judging with respect to the deportment of its members were reserved to the house itself, the liberties of Englishmen must be a mere shadow, and should no more be named. Question of privilege.

* The royal proclamation, however, had contained the usual instruction to electors, as to the men who should be the object of their choice. They were not to be "noted either of superstitious blindness one way, or of turbulent humours another way, but of such as should be found zealous and obedient children of this their mother church."—Parl. Hist. I. 1169.

CHAP. XVI. 1622.

James knew the tenderness of the subject, and wisely checked the discussion, by assuring his faithful commons that their liberty of speech should be preserved inviolate. Two subsidies were then granted, to supply the immediate wants of the government; and though a small sum, when compared with those wants, they were received by the king with pleasure and thankfulness, as the pledge of returning confidence between the court and the nation. So favourable were his professions at this moment, that he declared himself willing to do more than meet his subjects "half way," in their attempts to ascertain and remove the grievances of the land.*

Two subsidies voted.

A committee was nominated for this purpose, and the first abuse which fell under its notice was that of monopolies—the most inveterate of the number. The patents by which these were secured had been frequently abolished by parliament; but the provisions of that assembly had always been such as to admit of being eluded by new expedients. Had the object of these patents been to secure the fruits of ingenuity or industry to the persons who had earned them, the popular members in the commons were not the men to have sought their abolition. But they were grants which, while they failed in practice to afford any material profit to the king, were grossly oppressive to the subject, having scarcely any recommendation beyond their fitness to provoke the rapacity of individuals. The ardour with which the committee of inquiry prosecuted their object was regulated by the accurate

The grievance of monopolies examined.

* Journals, 522. *et seq.*

knowledge of law which distinguished several of their number, and especially by the presiding genius of Coke. Such, however, were the instances of fraud and oppression which their investigations daily brought to light, that little difficulty could be felt in describing the most notorious monopolies of the period as illegal, or in showing them to be equally impolitic and unjust. This was the result of examining those which related to the licensing of ale-houses, the inspection of hostleries and inns, and the manufacture of gold and silver thread.

Impeachment of Mompesson and Mitchell. Feb. 27.

The patentees, in each of these cases, were sir Giles Mompesson, and sir Francis Mitchell, creatures of Buckingham; and it was resolved to make their conduct the ground of a regular impeachment. The first judicial procedure of this kind was in the case of lord Latimer, in 1376, the last in the case of the duke of Suffolk, in 1449. It consisted in the solemn accusation of an offender, by the house of commons, at the bar of the house of lords. Its disuse, through so long an interval, is to be attributed partly to the impaired influence of the lower house under the Lancasterian princes, and partly to the preference shown by the Tudor line to bills of attainder, when the same class of offences occurred, or rather when the object was to remove a powerful individual who had become obnoxious. The forms of impeachment were not minutely followed, in the case either of Mompesson or Mitchell; but the commons attended with much ceremony at the bar, while the lords pronounced upon the accused the heaviest sentence that could be awarded in cases of misdemeanour. The

CHAP. XVI. 1622. March 27.

sentence included degradation from the honour of knighthood, fines and imprisonment, to which the king was pleased to add the penalty of banishment.*

Further impeachments.

The committee next directed their attention to the conduct of Bennett, judge of the prerogative court, and of Field, bishop of Llandaff. The former was accused of corruption in his office, the latter of being concerned in bribery. But the bishop, after repeated examinations, was mildly dealt with; and Bennett appears to have been indebted to the adjournment of the house for his escape from punishment.† With every thing the parliament had hitherto done, the king had professed himself satisfied. The question of impositions had been prudently kept in abeyance, and the several committees were applying themselves with assiduity to the business of reforming other abuses, when it was suddenly announced that the king expected the parliament to adjourn until the close of summer.

The attachment of the commons to the interests of the elector Palatine was no doubt sincere; but they conceived that before committing themselves in his cause, it behoved them to remove the evils which had been allowed to pollute the stream of justice, and to burden almost every movement of commerce. The king was not ignorant of their policy; and alarmed, it would seem, at the growth of that reforming spirit which he had been forward to commend, he determined to return the popular representatives to their homes, while half their

* Parl. Hist. *ubi supra.* Lords' Journals, 530—617. Hallam, I. 384—386.
† Ibid. 1267—1275, 1364.

errand—and, in the judgment of the religious part of the nation, the better half—remained to be accomplished. Before separating, however, a resolution was proposed, declaring, that should the affairs of the prince Palatine continue unsettled at the close of the recess, the lives and fortunes of the commons of England should be hazarded in his favour, his cause being that of protestant Christendom. The utterance of this sentiment kindled the enthusiasm of the house: it was carried with loud acclamation, and sir Edward Coke, advancing to the midst of the assembly, read the collect for the king and the royal family with marked solemnity and devotion, the tears falling from his eyes, as the sanctions of religion were thus connected with their cause as patriots.*

1622. Parliament adjourned.

June 4.

During the recess, the court was employed in removing a multitude of abuses, all of which the parliament would have unveiled before the nation on its next meeting. Nearly forty obnoxious patents were abolished, and several important regulations were adopted, with regard to the coin and the trade of the kingdom. All that James could do appears also to have been done in the cause of his unfortunate son-in-law. But these politic measures were unhappily connected with others, tending to neutralize their influence on the mind of the people. Sir Edward Coke, and sir Edwin Sandys, had distinguished themselves among the leaders of the opposition in the last session. Against the former a vexatious prosecution was soon afterwards commenced, on the pretext that the wealth of

Proceedings of the court during the recess.

* Parl. Hist. 1262—1295.

CHAP. XVI. 1622.

which he became possessed while in office was such as could not have been honestly obtained. Sandys saw the storm at a distance, and, before the adjournment of the house, obtained a vote which declared the conduct of every member to have been strictly parliamentary. Notwithstanding this precaution he was arrested, together with Selden, his adviser. His liberation, however, took place after a few weeks.

Meeting of parliament. Nov. 14.

When five months had been thus occupied in measures equally characterised by their wisdom and their folly, the parliament was re-assembled, and the commons were reminded by the commissioners of their solemn pledge with respect to the Palatinate, and the great cause so nearly allied to it. But the wrongs of Coke and Sandys absorbed the recollection of the members. "The business of the whole house sticketh at that knot," was the observation of secretary Calvert. Nor was it until two of their body had been deputed to communicate with sir Edwin on his sick bed, and the secretary had repeatedly assured them that his commitment arose not from any matter in his public conduct, that another question could obtain a hearing.*

Petition of the commons.

When about to grant a subsidy, it was resolved that a petition should be first presented to his majesty, relating to the alleged growth of popery. In this petition it was affirmed, that the pope and the king of Spain were aspiring to the government of the world; the one to the spiritual, the other to the secular; and that the recent successes in

* Journals, 636—662.

Bohemia had filled both parties with an increasing confidence of success. Among the indications of an increase of popery at home, it was noticed that the chapels of the foreign ambassadors were crowded with worshippers; and it was stated that the most serious evils were in general to be apprehended from the lenient policy which continued to be adopted, with regard to the disciples of this pernicious faith. To prevent these disasters, it was recommended that the king should instantly prosecute a vigorous war against Spain, as the power which had first directed hostilities against the Palatinate; and that he should be particularly careful to prevent his son from becoming the husband of any woman who was not known to be attached to the protestant interest. The authors of this petition were sensible of approaching delicate ground, and were concerned to submit their wishes to the attention of the sovereign in the mildest form. But before this could be done, James procured a copy of the document, and his indignation became unmeasured.

Displeasure of the king.

They might complain of the increase of popery, they might suggest methods to prevent it; but who could have dreamt of the presumption which openly impeached the honour of his ally and his friend, the king of Spain; which urged the commencement of a war without the existence of offence, and which, above all, affected to school his discernment as to the best mode of providing for the marriage of his children? He would have these "fiery popular spirits" know, that such matters were above their sphere, and that if they meant

CHAP. XVI. 1622.

their petitions should obtain hearing or answer from him, they must be found to be upon matters more suited to the station and capacity of the men who framed them. As to the commitment of sir Edwin Sandys, it might be proper to inform them that it arose not from his public conduct; but it was equally his duty to apprise them that, as king of England, he possessed the power to punish any improprieties in that house, either during its sittings or afterwards, and that this power it was his intention to exercise.*

Dec. 3.

Reply of the commons.

This torrent of wrath may remind the reader of the treatment to which these "varlet" commoners were sometimes exposed from the Tudor temper of Elizabeth. But the house was sufficiently aware that the anger of the king proceeded from a sense of weakness, more than from a consciousness of strength; and the royal message accordingly failed to produce either alarm or change of purpose. A reply was immediately prepared, in which, with decorous language, the members professed seriously to deplore his majesty's displeasure, and in gentle terms expressed their conviction that the honour and safety of the throne, and of the people, of England, must ever constitute matters proper to engage the attention of parliament. With respect to liberty of speech, when entertaining such questions, they must be allowed to claim it as their ancient and undoubted right, and as an inheritance received from their ancestors.†

Dec. 7.

* Parl. Hist. 1323—1327. Lingard, IX. 267.

† This remonstrance, as it was called, was to be presented by a sub-committee of twelve; and Wilson reports, that the monarch ordered twelve

When the king replied, his anger was considerably abated. But this assertion of popular rights, on the double ground of law and equity, and at such a moment, was not to pass without observation. James stated, in the conclusion of his letter, that "although he could not allow of the style, calling their privileges an undoubted right and inheritance, but could rather have wished that they had said their privileges were derived from the grace and permission of his ancestors and himself — for most of them had grown from precedent, which rather shows a toleration than inheritance—yet he gave them his royal assurance, that as long as they contained themselves within the limits of their duty, he would be as careful to maintain their lawful liberties and privileges as he would his own prerogative; so that their house did not touch on that prerogative, which would enforce him, or any just king, to retrench their privilege."* This calmer avowal of arbitrary doctrines placed the commons and the monarch more at issue than before. The former were now to take it as the king's deliberate sentiment, that whatever freedom they possessed was simply by royal sufferance, and to believe that he would be found to act upon that sentiment whenever circumstances might be thought to require it. The

chairs to be prepared on their approach, observing, that so many kings were coming.—Court of James I. Parl. Hist. 1336—1337.

* Parl. Hist. 1338—1343. The most obnoxious part of the petition referred to, was that which seemed to interfere with the king's pleasure in choosing the future queen. The following sentence expresses the little vanity which always attended the calculations of James on this subject, and rendered it a source of so much trouble to him: "You presume to give us your advice concerning the match of our dearest son with some protestant — we cannot say *princess*, for we know none of these fit for him."

CHAP. XVI. 1622.

ministers found it necessary to apologise for the indiscreet expressions of their master; and their master descended to apologise for himself; but still the favourite doctrine escapes him, and the attachment of the commons to the monarchy is regarded as a suspicious matter, while they continued to speak of popular liberty as a "right," and as an "inheritance."* After a long discussion, the house entered the following memorable record upon their journals:—

Protest concerning privileges. Dec. 18.

"The commons, now assembled in parliament, being justly occasioned thereunto, concerning sundry liberties, franchises, privileges, and jurisdictions of parliament, amongst others not herein mentioned, do make this protestation following; —That the liberties, franchises, privileges, and jurisdictions of parliament are the ancient and

* Sir Robert Phillips is described as thus speaking on this point: "Since his majesty hath said that we hold our liberties by the grace of princes, and not by a right descended unto us, and that that question is stirred (which he wisheth had not been), he thinketh that we are now to do something more on this point, than to let them thus rest. And in so doing, we shall do no more than was disputed of in the first parliament of his majesty, when the king said we held our liberties by a toleration, not by right; whereupon *there was here entered a public declaration that we held them by inheritance from our ancestors.*" This reference is to the memorable "Apology of the House of Commons made to the King, touching their Privileges," at the close of the first session of the king's first parliament. I have quoted the above from Phillips's speech, in preference to similar passages that might be selected from other speakers, because it shows that the "Apology" alluded to, was really adopted by the house, and not, as Mr. Hume insinuates, too liberal in its principles to be acknowledged by it. Parl. Hist. 1030, *et seq.* 1347, *et seq.* Hume, James I. p. 23. note C. From the circumstance of the declarations not appearing in the Journals, this writer concludes that it was either rejected by the house, or never presented to it. Phillips's language is decisive; and he will hardly be supposed to have been in error on such a matter. One member expressed a doubt whether the protestation adverted to had been entered, but there was no division of opinion as to its having been adopted.—Parl. Hist. 1335, 1358. See pp. 126, 127. of this volume.

undoubted birthright and inheritance of the subjects of England; and that the arduous and urgent affairs concerning the king, the state, and the defence of the realm and of the church of England, and the making and maintenance of laws, and redress of mischiefs and grievances, which daily happen within this realm, are proper subjects and matter of counsel and debate in parliament. And that, in the handling and proceeding of those businesses, every member of the house hath, and of right ought to have, freedom of speech to propound, treat, reason, and bring to conclusion the same: That the commons in parliament have like liberty and freedom to treat of those matters, in such order as, in their judgments, shall seem fittest; and that every such member of the said house hath like freedom from all impeachment, imprisonment, and molestation (other than by the censure of the house itself) for, or concerning any bill, speaking, reasoning, or declaring of any matter or matters touching the parliament, or parliament business; and that if any of the said members be complained of, and questioned for any thing said or done in parliament, the same is to be showed to the king, by the advice and assent of all the commons assembled in parliament, before the king give credence to any private information."*

King's displeasure.

James soon became aware of what had passed, and sending for the journal from the house, tore the memorial from its place, in the presence of his

* Parl. Hist. 1361. The house adopted this protest between five and six o'clock, and by candle-light, circumstances which are noticed as remarkable.

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ministers. It hardly needs be added, that he proceeded without delay to dissolve the parliament.

1622. Parliament dissolved. Jan. 6.

A proclamation was issued, in which he professed to state the reasons of his conduct, and in which the people were assured that it was his intention to call another parliament as soon as convenient, and to govern them, in all respects, as his predecessors had done. But while deferring thus to the popular feeling, it was determined that a special vengeance should fall upon the men who had recently appeared as the leading advocates of the popular cause.

Imprisonment of members.

The opposition of the court had not been confined, in this instance, to the lower house. The earls of Oxford and Southampton had distinguished themselves on the same side in the house of lords. Both were examined before the council, and the former was committed to the tower. In the commons, Digges, Rich, Carew and Perrot, were selected to feel the king's displeasure. But their conduct baffled the scrutiny of their enemies. The heaviest punishment that could with safety be inflicted on them, was to employ them in forced commissions in the name of the sovereign—a proceeding which subjected them to all the evils of banishment except its disgrace. Sir Edward Coke and sir Robert Philips were sent to the tower, and the papers of the former were seized and examined. Pym and Mallory are mentioned as confined for a while in other prisons.*

Effect of these proceedings.

These lawless proceedings were such as could

* Parl. Hist. 1362, 1363. Rymer's Fœdera, XVII. 344. Rushworth, I. 55.

have no other effect than what followed. The press, and the social circle, teemed with language respecting the king, and his government, which, in contempt and scurrility, could hardly be surpassed. Proclamations were issued to check the growing licence of expression, and the press was watched with the closest possible attention; but the effect resulted from a cause which was too general, and too violent, to admit of being curbed.

Buckingham and Charles visit Madrid. 1623.

It was at this unauspicious moment that Buckingham and Charles resolved to visit Madrid, with a view to bring the proposed match between that prince and the Infanta to a conclusion. That union, which the nation had been obliged for some years to anticipate, and which it never failed to regard with abhorrence, was, at such a juncture, to be hurried to its accomplishment. James trembled for the enterprise, but was, in some degree, reconciled to it, by the hope of possessing the promised treasure of the Spanish monarch, and by the prospect of securing his influence in favour of the unfortunate elector Palatine.*

* It was in the following language that Abbot ventured to address the king on the subject of the prince's journey to Madrid, and the secret promise of a toleration to catholics. "How hateful will it be to God, and grievous to your subjects, that your majesty, who hath often defended against those wicked heresies, should now show yourself a patron.—Also, what you have done, in sending your prince without the consent of your council, and the privity and approbation of your people; for, although, sir, you have a large interest in the prince, as the son of your flesh, yet have your people a greater, as the son of the kingdom, upon whom, next after your majesty, are their eyes fixed, and their welfare depends. And so slenderly is his going apprehended, that believe it, sir, however, his return may be safe, yet the drawers of him into that action, so dangerous to himself, so desperate to the kingdom, will not pass away unquestioned and unpunished."—Rushworth, I. 85. Cabala, 113, 114. In the last collection, this high-minded epistle, is, by some strange mistake, attributed to the archbishop of York.

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1623. March 7.

History, however, relates, that the intercourse between the court of Philip, and the English favourite, produced mutual disgust; and that, by the influence of Buckingham, aided as it was, in this instance, by the feeling of the nation, the hope of an alliance, which had absorbed so much of the ingenuity and the feeling both of the king and of the heir apparent, was at once extinguished. By this event the kingdom was rescued from a certain, and we may, perhaps, say, an incalculable evil. But it is to be traced to mean and selfish motives in the man who was the chief agent in producing it. Hence the transient popularity which it procured him was, like most of his possessions, unmerited.*

* It is not Dr. Lingard's manner to give an unfavourable colouring to affairs which connect themselves with the credit of a catholic power; but the following summary appears to me to be fully justified by his authorities: "From a careful review of all the proceedings connected with the Spanish match, it may be fairly inferred, 1. That had the treaty been left to the address and perseverance of the earl of Bristol, it would have been brought to the conclusion which James so earnestly desired. 2. That the Spanish council had ministered ample cause of offence to the young prince, by their vexatious delays, and their attempts to take advantage of his presence. 3. That he, nevertheless, entered spontaneously into solemn engagements, from which he could not afterwards recede, without the breach of his word; 4. and that, in order to vindicate his conduct in the eyes of the English public, he was compelled to employ misrepresentation and falsehood. But the great misfortune was, the baneful influence which such proceedings had upon his character. He was taught to intrigue, to dissemble, to deceive. His subjects, soon after he mounted the throne, discovered the insincerity of their prince. They lost all confidence in his professions; and to this distrust may, in a great measure, be ascribed the civil war which ensued, and the evils which befel both the nation and the sovereign." IX. 293.

CHAP. XVII.

PARLIAMENT OF 1624.

POLICY OF THE COURT.—CONDUCT OF BUCKINGHAM.—PREPARATIONS FOR WAR.—IMPEACHMENT OF MIDDLESEX.

Policy of the court. Feb. 19.

In dissolving the last parliament, James had copied the authoritative language sometimes employed, under similar circumstances, by his predecessors; and in addressing that convened two years later, he considered it important to imitate the condescending temper which the same princes were not unfrequently obliged to assume when renewing their intercourse with such assemblies. The matters which the commons of 1621 were to leave to persons more capable of understanding them, were precisely those on which, in 1624, they were called to deliberate and advise. The interdict, which the passion of the sovereign had urged him to pronounce, excited pity rather than alarm; the invitation which now proceeded from him was accepted with dignity. In our constitutional history, the state of the exchequer rarely failed to have this marked influence on the civilities of the crown, and on the supposed capacity of the lower house. In seasons of embarrassment there was an obvious propriety in submitting the mysteries of state to its inspection. In times of prosperity, all difficult questions were necessarily beyond its comprehension.

CHAP. XVII. 1624.

The time was, also, when the members of that house were accustomed to think thus meanly of their own ability; but that time had passed away long before the accession of the house of Stuart.*

Conduct of Buckingham. Feb. 24.

The convening of the parliament of 1624, and the conduct adopted with regard to it by the monarch, are to be attributed chiefly to the advice of Buckingham. On him it devolved to state, in a conference of both houses, what purported to be a summary of the negotiation so long continued between the courts of England and Spain. While thus employed, and resorting, as he proceeded, to the aids of deception and falsehood, the young prince appeared at his side, to assist his memory, and to vouch the correctness of his statements. The earl of Bristol, to whom affairs at Madrid were entrusted, up to the time of Buckingham's appearance there, could readily have exposed the garbled account of his rival. But it was arranged that neither his presence nor his testimony should be allowed to perplex the decision of the parliament.

* "Consider," said James, in his speech to the two houses, "the estate of my grandchildren, my own estate, and the estate of my kingdom, the treaties and all, and then upon all you are to give me your advice." In this speech, the king affirms, that as to dispensing with any law against catholics, "he never promised, nor yielded, never thought it with his heart, nor spoke it with his mouth." He had, however, subscribed his hand to the following article of the Spanish treaty not long since: "Quod nulla lex particularis contra catholicos Romanos lata, nec non leges generales sub quibus omnes ex equo, comprehenderuntur, modo ejusmodi sint, quæ religioni Romanæ repugnant, ullo unquam tempore, ullo omnino modo aut casu, directe ve indirecte, quoad dictos catholicos Romanos executioni mandabitur." Parl. Hist. 1371—1376. Prynne, 44. Hardwicke Papers, I. 428. *et seq.* This was a more serious inconsistency than to declare, that never was king so beloved of his people, and yet to admit that he had, from some cause, become an object of foreboding jealousy both in the upper and the lower house. But James was not often perplexed by such contradictions.

On the faith of the relation thus supplied, it was resolved, that the treaties with Spain, relative to the marriage of Charles and the restoration of the Palatinate, were such as ought to be instantly abandoned. James must have expected this result. Feb. 27. He heard it, however, with regret and alarm, and ventured to intimate, that he felt some conscientious scruples as to the justice of a war with Spain. He pledged himself, nevertheless, that should a supply be granted, at all equal to such an enterprise, its appropriation to the object might be secured by means of commissioners chosen by themselves. The sum of 300,000*l.*, to be raised within twelve months, was accordingly voted.* March 22.

Preparations for war.

While the court and the country parties were thus united in preparing for hostilities, a portion of their zeal was directed, as usual, to obtain a more regular enforcement of the laws against popish recusants. The committee of grievances also, so active during the last parliament, resumed their operations. The most important fact, however, connected with this session, was the impeachment of lord Cranfield, earl of Middlesex, a nobleman who held the office of lord treasurer, and was also master of the court of wards. In a recent meeting of the privy council, Cranfield had delivered an opinion, with regard to Spanish affairs, which April 16.

Impeachment of Middlesex.

* Archbishop Abbot, on presenting an address of both houses to the king, congratulated him on having discovered the insincerity of the Spanish cabinet. But James interrupted him by observing, that he had not expressed any opinion as to the conduct of that power. Yet, no man can read his majesty's speech without so understanding him. He there notices that "great promises" proceeded from that quarter, and "actions quite contrary;" and has more to the same effect.—Lords' Journals, 265. Parl. Hist. 1374. Dr. Lingard should have remembered this. IX. 300.

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crossed the known policy of Buckingham. The duke resolved to punish the man that could thus contemn the wishes of one who had rendered him important services; and the popular members in the commons seized the opportunity thus afforded them to bring the individual, whom they had long considered a delinquent, to the judgment of his peers. This was one of those points on which the king saw much farther than either the prince or the favourite. Buckingham he described as a fool, and as preparing the means for his own chastisement. To Charles, he predicted, that he would probably live to have his fill of impeachments. Whatever he had courage to attempt, was also done in the hope of saving the accused; but his warnings and his efforts were alike fruitless.

The lords were unanimous in declaring the offended guilty, with respect to four charges out of six that were preferred against him. He was, accordingly, sentenced to be imprisoned during pleasure, to pay a fine of 50,000*l.*, and to be excluded for ever from the parliament and the court. His guilt is hardly questionable, but his punishment should be attributed chiefly to the pique of Buckingham.

May 13.

The event, however, was of the greatest importance to the commons, as it contributed, along with the trial of lord Bacon, to place their ancient right of impeachment beyond controversy. It served also to obtain for the accused party, in such cases, a more equitable treatment than formerly. Middlesex complained bitterly, and not without justice, of being left single-handed to meet

a host of assailants—those legal aids being totally denied to him, which were so plentifully afforded to his prosecutors. It was from this time provided, that, in such trials, the defendant should be supplied with copies of all depositions relating to his case, and that he should be at liberty to claim the assistance of counsel.*

From this view of the civil transactions of the present reign, we must return to a more adequate notice of its ecclesiastical affairs. These are not so intimately connected in this portion of our history as subsequently, and may, therefore, be treated separately with advantage.†

* Clarendon, I. 41. Parl. Hist. 1411, *et seq.* Lords' Journals, 307, *et seq.*

† The commons, in the parliament of 1624, preferred a charge against Harsnet, bishop of Norwich. It accused him of extortion, superstition, and tyranny, and particularly of having taught, from the pulpit, at Whitehall, that all property belonged, of right, to the king, and could not, therefore, be innocently refused, when demanded by him. The lords referred the matter to the high commission court, and promised to be guided by its decision in their own judgment. James apologized for the offender, and observed, that he should have taught, that all property was Cæsar's, "according to the laws and customs of the land"—not absolutely. Harsnet afterwards became archbishop of York.

CHAP. XVIII.

LORD BACON ON THE PURITAN CONTROVERSY.

LORD BACON'S ESTIMATE OF THE PURITAN CONTROVERSY.—THE CENSORSHIP OF THE PRESS EXERCISED UNJUSTLY AND UNWISELY.—THE CONFORMIST'S MANNER OF DISPUTATION MORE INJURIOUS TO RELIGION THAN THAT OF THE PURITANS.—EVILS ATTENDING THE CONTROVERSY ON BOTH SIDES.—CONDUCT OF THE HIGHER CLERGY A CHIEF CAUSE OF DIVISION.—A SECOND CAUSE.—PRONENESS TO EXTREMES A THIRD CAUSE.—SUMMARY OF THE PURITAN CONTROVERSY DURING THE REIGN OF ELIZABETH.—THE PURITANS.—CENSURABLE CONDUCT OF THE RULING PARTY.—OBSTINACY OF THE PRELATES.—UNCHRISTIAN CONDUCT OF THE GOVERNORS OF THE CHURCH.—DELINQUENCIES OF THEIR OPPONENTS MUCH LESS SERIOUS, AND GROSSLY MISREPRESENTED.—DIFFERENCE BETWEEN THE PREACHING OF THE ORTHODOX AND PURITAN CLERGY.—PAPER ON THE PACIFICATION OF THE CHURCH.—ECCLESIASTICAL REFORM RECOMMENDED.—THE OATH EX-OFFICIO CONDEMNED.—COMPARATIVE ESTIMATE OF PREACHING AND OF THE LITURGY.—THE SCRUPLES OF THE PURITANS DESERVE RESPECT, AND SHOULD BE GENERALLY COMPLIED WITH.—THE PURITAN MEETINGS CALLED PROPHESYINGS VINDICATED.—IMPORTANCE TO BE ATTACHED TO BACON'S TESTIMONY.

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1604. Lord Bacon's estimate of the puritan controversy.

Not long after the king's accession, lord Bacon submitted a dispassionate review of the religious disputes of this period to the attention of the parties at issue. And it is somewhat remarkable, that historians and polemics, who have professed to furnish their readers with a summary of the merits of the puritan controversy, should have made so little use of the chancellor's profound observations in relation to it. It is not, indeed, difficult to conjecture why the name of Bacon has been passed over on this subject, by writers who can look at one side of a case only, and who, in this instance,

have taken their place with the dominant party. Very few of the chancellor's remarks will suit the purpose of such men; and some of his statements will be questioned by the persons who, under the influence of a similar prejudice, but from a more generous feeling, become incapable of perceiving any grave fault in the conduct of the oppressed and the suffering. But while neither party is held to be blameless, the scale, as presented by the acute and comprehensive genius of Bacon, turns greatly in favour of the puritans. And it must be remembered, that every thing in the character and conduct of this far-sighted man requires us to suppose, that whatever he ventured to publish in the cause of a party so obnoxious to the court, was extorted by a deep sense of justice, and by the conviction that a policy different from that which the court had adopted, would prove to be a benefit to the court itself.

The first of his pieces on this subject was written before the decease of Elizabeth, and is intitled, "An Advertisement touching the Controversies of the Church of England."* The puritan controversy he defines as one which does not relate to religion itself, so much as to its accidents, or circumstances; and he laments the want of gravity and candour observable in the writings of many disputants on both sides.† He professes to be

* Bacon's Works, VII. 28—60.

† No man can deserve a decent treatment himself, who would attempt to vindicate the spirit and style of the mar-prelate tracts. Much allowance, however, must be made for the manners of the age, and the wrongs of the suffering party. Collier, too, admits, that the fault belongs to both sides; though he would have his readers believe that the evil, which was a matter of

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especially surprised that the moderate men of both parties should be so slow to disown the temper of the more violent; and complains that the superintendence of the press, with regard to the publications relating to this controversy, was neither politic nor equitable. "I note," he observes, "there is not an indifferent hand carried towards these pamphlets, as they deserve; for the one sort flieth in the dark, and the other is utterly open, wherein I might advise that side out of a wise writer who hath set it down, that *punitis ingeniis gliscit auctoritas.* And, indeed, we see it ever falleth out that the forbidden writing is always thought to have certain sparks of truth, that fly up into the faces of those that seek to choke it, and tread it out; whereas a book

The censorship of the press exercised unjustly and unwisely.

choice in the one case, was a matter of necessity in the other. Eccles. Hist. II. 606. The following is Martin's manner of defending himself: "Like you any of these suits, John of Canterbury? I am not disposed to jest in this serious matter. I am called Martin Mar-prelate. There be many that dislike of my doings. I may have my wants, I know, for I am a man. But my course I know to be ordinary and lawful. I saw the cause of Christ's government, and of the bishop's antichristian, to be hid. The most part of men could not be gotten to read any thing written in defence of the one or against the other. I bethought me of a way, therefore, whereby men might be drawn to do both. Perceiving the humours of men in these times, (especially of those that are in any place) to be given to mirth, I took that course. I might lawfully do it, for jesting is lawful by circumstances, even in the gravest matters. The circumstances of time, place, and persons urged me thereunto. I never profaned the word in jest. Other mirth I used as a covert wherein I would bring the truth to light, the Lord being the author both of mirth and gravity. It is not lawful in itself to use either of these ways for the truth, when circumstances do not make it lawful."—Hay any Work for the Cooper, 14. Reasoning of a similar description would be employed, I suppose, to justify the following courteous method of enforcing a syllogism: "Now, you wretches," he proceeds, "archbishops and lord bishops, I mean,—you mar-state, mar-law, mar-prince, mar-magistrate, mar-commonwealth, mar-church, and mar-religion,—are you able for your lives to answer any part of the former syllogism, whereby you are concluded to be the greatest enemies unto her majesty and the state? You dare not attempt

1604.

authorised is thought to be but the language of the time. But in plain truth, I do find, to mine understanding, these pamphlets as meet to be suppressed as the other. First, because as the former sort doth deface the government of the church in the persons of the bishops and prelates; the other doth lead into contempt the exercises of religion, in the persons of sundry preachers, so that it disgraceth an higher matter, though in the meaner person." The points on which both parties are said to be liable to blame are stated as follows.

The orthodox mode of controversy more injurious to religion than that of the puritans.

"The first is, the giving occasion unto the controversies, and also the inconsiderate and ungrounded taking of occasion. The next is, the extending and multiplying the controversies to a more general opposition or contradiction than appeareth at the first propounding of them, when men's judgments are least partial. The third is, the passionate and unbrotherly practices and proceedings of both parties towards the persons each of others, for their discredit and suppression. The fourth is, the course, holden and entertained on either side, for the drawing of their partisans to a more strait union within themselves, which ever importeth a farther

Evils attending the controversy on both sides.

it, I know. You are, then, the men by whom our estate is most likely to be overthrown; you are those that shall answer for our blood, which the Spaniard, or any other enemies, are like to spill, without the Lord's great mercy; you are the persecutors of your brethren (if you may be accounted brethren); you and your hirelings are not only the wound, but the very plague and pestilence of our church. You are those who maim, deform, vex, persecute, grieve, and wound the church."—Ibid. 18, 19. This style is not unfrequent in the mar-prelate tracts; but when the puritans found themselves dealt with as felons, it was no marvel that they should sometimes forget to accost their opponents as gentlemen. "*You*," said Cartwright to Whitgift, "should not think much to be striken with the back of the sword, which have smitten others with the edge."—Second Replie, 1575.

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distraction of the entire body. The last is the undue and inconvenient propounding, publishing, and debating of the controversies."

Conduct of the higher clergy a chief cause of division.

With respect to the occasion of controversies, it is observed by the writer, that, while no inconsistency or calumny had been allowed to diminish his reverence for the calling of the bishops, or to lower his opinion of their persons, he considered it certain, "that the imperfections in the conversation and government of those who have chief place in the church, have ever been principal causes and motives of schisms and divisions." Hence, while bearing an honourable testimony to the character of some of the English prelates, he ventures to remark, "But if any be, against whom the Supreme Bishop hath not a few things, but many things; if any have lost his first love; if any be neither hot nor cold; if any have stumbled too fondly at the threshold, in such sort, that he cannot sit well, that entered ill, it is time they return whence they are fallen, and confirm the things that remain."* But admitting such faults to exist, the conduct of the disputants who ascend from the persons of the prelates to

* The following description, as to the conduct of no small number among the clergy, and its effects upon the nation, in the last reign, is from the pen of Strype: "The churchmen heaped up many benefices upon themselves, and resided upon none, neglecting their cures; many of them alienated their lands, made unreasonable leases, and waste of their woods; granted reversions and advowsons to their wives and children, or to others for their use. Churches ran greatly into dilapidations and decays, and were kept nasty and filthy, and undecent for God's worship. Among the laity there was little devotion. The Lord's day was greatly profaned, and little observed. The common prayers not frequented. Some lived without any service of God at all. Many were heathens and atheists. The queen's own court, an harbour of epicures and atheists, and a kind of lawless place, because it stood in no parish. Which things made good men fear some sad judgments impending over the nation."—Life of Parker, p. 395.

their calling, and who draw that in question, is considered as seriously censurable.

A second cause.

The second cause of religious disputes is traced to the love of pre-eminence, distinguishing some men of talent, and to that disposition to unite with a distinguished leader, which is common to a large number of persons, and particularly prevalent among young men in the universities, "the continent of this disease."

Proneness to extremes a third cause.

The third occasion of controversies is "an extreme and unlimited detestation of some former heresy or corruption of the church, already acknowledged and convicted.—This was the cause that produced the heresy of Arius, grounded especially upon detestation of Gentilism, lest the Christian should seem, by the assertion of the equal divinity of our Saviour Christ, to approach unto the acknowledgment of more Gods than one. The detestation of the heresy of Arius produced that of Sabellius, who, holding for execrable the dissimilitude which Arius pretended in the Trinity, fled so far from him, as he fell upon that other extremity, to deny the distinction of persons, and to say, they were but only names of several offices and dispensations. Yea, most of the heresies and schisms of the church have sprung up of this root, by which to measure the bounds of the most perfect religion, taking it by the farthest distance from the error last condemned. These be heresies that arise out of the ashes of other heresies that are extinct and amortised.

"This manner of apprehension doth, in some degree, possess many in our times. They think it

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the true touch-stone to try what is good and evil, by measuring what is more or less opposite to the institutions of the church of Rome; be it ceremony; be it policy, or government; yea, be it other institutions of greater weight—that is ever most perfect which is removed from that church, and that is ever polluted and blemished which participateth in any appearance with it. This is a subtle and dangerous conceit for men to entertain, apt to delude themselves, more apt to delude the people, and most apt of all to calumniate their adversaries." These remarks, it will be perceived, are not only applicable to theological discussions, but to all controversy, in proportion as the passions become interested in its result.

Summary of the puritan controversy during the reign of Elizabeth.

The second proposition relates to "the extending and multiplying of controversies," and is illustrated by the following summary of the progress of this contest during the reign of Elizabeth: "It may be remembered, that on that part, which calls for reformation, was first propounded some dislike of certain ceremonies supposed to be superstitious; some complaint of dumb ministers who possess rich benefices; and some invectives against the idle and monastical continuance within the universities, by those who had livings to be resident upon, and such like abuses. Thence they went on to condemn the government of bishops, as an hierarchy remaining to us of the corruption of the Roman church, and to except to sundry institutions in the church, as not sufficiently delivered from the pollutions of former times. And, lastly, they are advanced to

The puritans.

define of an only and perpetual form of policy in the church, which, without consideration of possibility, and foresight of peril, and perturbation of the church and state, must be erected and planted by the magistrate. Here they stay. Others, not able to keep footing in so steep ground, descend farther; that the same must be entered into and accepted of the people, at their peril, without the attending of the establishment of authority. And so, in the mean time, they refuse to communicate with us, reputing us to have no church. This has been the progression of that side; I mean of the generality. For I know some persons, being of the nature, not only to love extremities, but also to fall to them without degrees, were at the highest strain at the first.

Censurable conduct of the ruling party.

"The other part, which maintaineth the present government of the church, hath not kept one tenor neither. First, those ceremonies which were pretended to be corrupt, they maintained to be things indifferent, and opposed the examples of the good times of the church to that challenge which was made unto them, because they were used in the later superstitious times. Then they were also content mildly to acknowledge many imperfections in the church: as tares come up amongst the corn; which yet, according to the wisdom taught by our Saviour, were not with strife to be pulled up, lest it might spoil and supplant the good corn, but to grow on together till the harvest. After, they grew to a more absolute defence and maintenance of all the orders of the church, and stiffly to hold, that nothing was to be innovated, partly because it

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needed not, partly because it would make a breach upon the rest. Hence, exasperated through contentions, they are fallen to a direct condemnation of the contrary part, as of a sect. Yea, and some indiscreet persons have been bold, in open preaching, to use dishonourable and derogatory speech and censure of the churches abroad; and that so far, as some of our men, as I have heard, ordained in foreign parts, have been pronounced to be no lawful ministers. Thus we see the beginnings were modest, but the extremes are violent; so as there is almost as great a distance now of either side from itself, as was at the first of one from the other. And surely, though my meaning and scope be not, as I said before, to enter into the controversies themselves, yet I do admonish the maintainers of the above discipline, to weigh and consider seriously and attentively, how near they are unto them, with whom I know they will not join. It is very hard to affirm, that the discipline which we say we want, is one of the essential parts of the worship of God; and not to affirm withal, that the people themselves, upon peril of salvation, without staying for the magistrate, are to gather themselves into it. I demand, if a civil state should receive the preaching of the word and baptism, and interdict and exclude the sacrament of the Lord's supper, were not men bound, upon danger of their souls, to draw themselves to congregations wherein they might celebrate this mystery, and not to content themselves with that part of God's worship which the magistrate had authorised? This I speak, not to draw them into the mislike of

others, but into a more deep consideration of themselves.

1604. Obstinacy of the prelates.

"Again, to my lords the bishops I say, that it is hard for them to avoid blame in the opinion of an indifferent person, in standing so precisely upon altering nothing. Laws not refreshed with new laws, wax sour. Without change of ill, a man cannot continue the good. To take away many abuses supplanteth not good orders, but establisheth them. A contentious retaining of custom is a turbulent thing, as well as innovation. A good husband is ever pruning in his vineyard or his field, not unseasonably, indeed, not unskilfully, but lightly; he findeth ever somewhat to do. We have heard of no offers of the bishops of bills in parliament, which, no doubt, proceeding from them to whom it properly belongeth, would have every where received acceptance. Their own constitutions and orders have reformed them little. Is nothing amiss? Can any man defend the use of excommunication, as a base process to lackey up and down for duties and fees, it being a precursory judgment of the latter day?"

Unchristian conduct of the governors of the church.

The third proposition relates to "the unbrotherly proceeding on either part," and is thus treated: "The wrongs of them which are possessed of the government of the church towards the other, may hardly be dissembled or excused; they have charged them as though they denied tribute to Cæsar, and withdrew from the civil magistrate the obedience which they ever performed and taught.* They have sorted and coupled them

* The reader will be aware, that the charge thus positively denied by lord Bacon, is still reiterated by the zealots of church and state. It was in the

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with the 'family of love,'* whose heresies they have laboured to destroy and confute. They have been swift of credit to receive accusations against them, from those that have quarrelled with them but for speaking against sin and vice. Their accusations and inquisitions have been strict, swearing men to blanks and generalities, not included within compass of matter certain which the party which is to take the oath may comprehend, which is a thing captious and strainable. Their urging of subscription to their own articles, is but *lacessere, et irritare morbos ecclesiæ*, which otherwise would spend and exercise themselves. He seeketh not unity, but division, which exacteth that in words which men are content to yield in action. And it is true, there are some, which, as I am persuaded, will not easily offend by inconformity, who notwithstanding make some conscience to subscribe; for they know

following language that two puritan sufferers complained of this sort of treatment, in a paper dated Newgate, 1572. "Because we would have bishops un-lorded, according to God's word, therefore it is said we seek to overthrow civil magistrates! Because we say all bishops and ministers are equal, and therefore may not exercise their sovereignty over one another, therefore they say, when they have brought this in among the bishops, we shall be for leveling the nobility of the land! Because we find fault with the regimen of the church, as derived from the pope, therefore they say, we design to ruin the state! Because we say the ministry must not be a bare reading ministry, but that every minister must be learned, able to preach, to refute gainsayers, to comfort, to rebuke, and to do all the duties of a shepherd, a watchman, and a steward; therefore they bear the world in hand that we condemn the reading of the holy scriptures in churches! Because we are afraid of joining with the church in all her rites and ceremonies, therefore we are branded with the odious name of Donatists, Anabaptists, Aërians, Arians, Hunfeldians, Puritans."—A brief Confession of Faith, written by the authors of the First Admonition to the Parliament. Pref. See Bancroft's sermon at Paul's Cross.

* Knewstub, and several other leading puritans, distinguished themselves as the opponents of the fanatical tribe adverted to. Ainsworth, the nonconformist exile, also published a work on the same subject in 1608. See Some Account of Henry Ainsworth, with his Two Treatises, printed 1789. pp. 49, 50.

this note of inconstancy and defection from that which they have long held, shall disable them to do that good which otherwise they might do; for such is the weakness of many, that their ministry should be thereby discredited. As for their easy silencing of them, in such great scarcity of preachers, it is to punish the people, and not them. Ought they not, I mean the bishops, to keep one eye open, to look upon the good that those men do, not to fix them both upon the hurt that they suppose cometh by them? Indeed, such as are intemperate and incorrigible, God forbid they should be permitted to preach; but shall every inconsiderate word, sometimes captiously watched, and for the most part hardly enforced, be as a forfeiture of their voice and gift in preaching? As for sundry particular molestations, I take no pleasure to recite them. If a minister should be troubled for saying in baptism, 'Do you believe?' for 'Dost thou believe?' If another shall be called in question for praying for her majesty without the additions of her style, whereas, the very form of prayer in the book of Common Prayer hath 'thy servant Elizabeth,' and no more;—if a third shall be accused upon these words uttered, touching the controversies, '*tollatur lex, et fiat certamen*,' whereby was meant, that the prejudice of the law removed, either reasons should be equally compared, of calling the people to sedition and mutiny, as if he had said, 'Away with the law, and try it out with force;'—if these and other like particulars be true, which I have but by rumour, and cannot affirm, it is to be lamented that they should labour amongst us with

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so little comfort. I know restrained governments are better than remiss; and I am of his mind that said, 'Better is it to live where nothing is lawful than where all things are lawful.' I dislike that laws should not be continued, or disturbers be unpunished; but laws are likened to the grape, that being too much pressed, yields an hard and unwholesome wine. Of these things I must say, 'The wrath of man worketh not the righteousness of God.'

Delinquencies of their opponents much less serious, and grossly misrepresented.

"As for the injuries of the other part, they be as it were headless arrows; they be fiery and eager invectives, and, in some fond men, uncivil and irreverent behaviour towards their superiors. This last invention also, which exposeth them to derision and obloquy by libels, chargeth not, as I am persuaded, the whole side; neither doth that other, which is yet more odious, practised by the worst sort of them, which is, to call in, as it were, to their aids, certain mercenary bands, which impugn bishops, and other ecclesiastical dignities, to have the spoil of their endowments and livings; of these I cannot speak too hardly. It is an intelligence between incendiaries and robbers, the one to fire the house, the other to rifle it."

Difference between the preaching of the orthodox and puritan clergy.

The remaining part of the paper consists of remarks on the temper and the preaching of the puritans, and shows that the difference which at present exists between the evangelical and the orthodox clergy in our established church, is a continuance of the same state of things from the time of Elizabeth. The one party was reproached as sectarian and fanatical, and as more apt in stating

speculative doctrines, than in treating of moral duties;* and these, in return, accuse their opponents of being the disciples of Socrates, more than of St. Paul, and describe them as men employed in reiterating the maxims of pagan antiquity to the neglect of the distinguishing doctrines of the gospel. It is admitted, however, that the work of exhortation rested chiefly upon the puritans; that they were generally men of sincere zeal, the enemies of sin, and most successful in working repentance, and in bringing their hearers to the question, "Men and brethren, what shall we do?"

Paper on the pacification of the church.

The second paper on this subject was dedicated to James, and is intitled "Certain Considerations concerning the better Pacification and Edification of the Church of England."† It contains an allusion to the piece from which the preceding extracts are taken, and includes a restatement of most of its positions. In the commencement, the writer expresses his profound deference to the king's superior judgment, and his concern to avoid the least appearance of offence or intrusiveness. But his courage increases as he

* To show the defectiveness of puritan logic on moral subjects, Bacon has supplied an example which the reader will perhaps regard as more to the credit of that party than to its dishonour. "They have pronounced generally," he observes, "and without difference, all untruths unlawful; notwithstanding that the midwives are directly reported to have been blessed for their excuse; and Rahab is said by faith to have concealed the spies; and Solomon's selected judgment proceeded upon a simulation; and our Saviour, the more to touch the heart of the two disciples, with an holy dalliance, made as if he would have passed to Emmaus." Had the puritans been otherwise minded on this point, what eloquent comparisons might not have been made between them and the jesuits? The passage is important, as showing that to the time of the first Stuart sovereign, whatever may have been the case afterwards, the English puritans were men of scrupulously sincere speech.

† Works, VI. 61—97.

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Ecclesiastical reform recommended.

proceeds. "I would only ask," he writes, "why the civil state should be purged and restored by good and wholesome laws, made every third or fourth year in parliament assembled, devising remedies as fast as time breedeth mischief, and, contrariwise, the ecclesiastical state should still continue upon the dregs of time, and receive no alteration now, for these five and forty years and more? If any man shall object, that, if the like intermission had been used in civil causes also, the error had not been great, surely the wisdom of the kingdom hath been otherwise in experience for three hundred years space, at least. But if it be said to me, that there is a difference between civil causes and ecclesiastical, they may as well tell me that churches and chapels need no reparations, though castles and houses do, whereas, commonly to speak truth, dilapidations of the inward and spiritual edifications of the church of God are, in all times, as great as the outward and material. Sure I am, that the very word and style of reformation used by our Saviour, '*ab initio non fuit sic*,' was applied to church matters, and those of the highest nature, concerning the law moral."

The document containing these observations, and others of equal force, is chiefly worthy of notice in this place, on account of its statements respecting some of the points which came into discussion at Hampton Court. When James intimated his compliance with the request of the bishops who were concerned to retain the use of the oath, ex-officio, in their meditated severities against the puritans, Whitgift fell upon his knees, and affirmed, that his

The oath ex-officio condemned.

majesty had spoken from the influence of the Spirit of God. But however that may have been, it appears from lord Bacon, that the sanction so obtained, went to a violation of "the law of England," according to which, "no man is bound to accuse himself." This practice is described as calling for reformation, not only as being a serious grievance, but as one perpetuated in contempt of the law. "In the highest cases of treason, torture is used for discovery, and not for evidence. In capital matters, no delinquent's answer upon oath is required, no, not permitted. In criminal matters, not capital, handled in the star-chamber, and in causes of conscience, handled in chancery, for the most part grounded upon trust and secresy, the oath of the party is required. But how? Where there is an accusation and accuser, which we call bills of complaint, from which the complainant cannot vary, and out of the compass of which the defendant may not be examined, exhibited to the court, and by process notified unto the defendant. But to examine a man upon *oath*, out of the *insinuation of fame*, or out of accusations, *secret* or *undeclared*, though it have some countenance from the civil law, yet it is so opposite to the sense and course of the common law, as it may well receive some limitation."*

* The patriotic and triumphant stand made against this instrument of despotism, in the high commission court, by the puritan leader, Cartwright, may be seen in Strype's Life of Aylmer. His decision on this point, he observes, was supported "by the example of divers, ministers and others." He professed to lay "the chief strength of his refusal upon the law of God, secondly, upon the laws of the land." When neither threatening nor coaxing could prevail, Bancroft, who was one of the commissioners, became indignant. He charged Knox with teaching that the people ought to "bring in a further

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Comparative estimate of preaching and of the liturgy.

In the course of the conference now adverted to, Bancroft expressed himself more concerned to promote a praying than a preaching ministry. The relative importance of preaching was much greater in the esteem of the puritans, than in that of their opponents, and is still a matter in debate. The following observations on this subject are discriminating and weighty: "Though the gift of preaching be far above that of reading, yet the action of the liturgy is as high and holy as that of the sermon. It is said, 'the house of prayer,' not the house of preaching; and, whereas the apostle saith, 'How shall men call upon him on whom they have not believed? and how shall they believe unless they hear? and how shall they hear without a preacher?' it appeareth, that as preaching is the more original, so prayer is the more final, as the difference is between the seed and the fruit, for the keeping of God's law is the fruit of the teaching of law; and prayer, or invocation, or divine service, or liturgy, for these be but varieties of terms, is the immediate hallowing of the name of God, and the principal work of the first table, and of the great

reformation against the prince's will," and attributed the same doctrine to Goodman's book on Obedience, declaring it to have been sanctioned by the church at Geneva, that centre of heresy, whence our English malecontents drew "their judgments and practices." Cartwright, among other things, replied, "that he did the reformed churches great injury, which never had either that judgment or practice he speaketh of, for any thing he ever read or knew; that he had read the Scottish story, but remembered not that which he spoke of: that some particular persons had written from Geneva some such things as he spoke of; yet that it was a hard judgment to charge the church of Geneva with it; which, by an epistle set forth by Mr. Beza, a principal minister thereof, had utterly disclaimed that judgment." p. 310—319. In the language of such churchmen as Bancroft, "the prince's will" was a sort of law; with some of the reformers, and with the early and the later puritans, it was of small weight, except as connected with a popular legislature.

commandment of the love of God. It is true, that the preaching of the holy word of God is the sowing of the seed, it is the lifting up of the brazen serpent, the ministry of faith, and the ordinary means of salvation; but yet it is good to take example how that the best actions of the worship of God may be extolled excessively and superstitiously. As the extolling of the sacrament bred the superstition of the mass; the extolling of the liturgy and prayers bred the superstition of the monastical orders and oraisons; and so, no doubt, preaching likewise may be magnified and extolled superstitiously, as if all the whole body of God's worship should be turned into an ear."

The scruples of the puritans deserve respect, and should be generally complied with.

On the particular exceptions to the liturgy, as it then stood, he observes that nothing which relates to religion should be considered trivial, and admits that the use of the word priest, under the present dispensation, is liable to objection; that some change might very properly be introduced into the practice of absolution; that confirmation, as then observed, was of doubtful origin; that the custom of allowing baptism to be administered by women, or laymen, arose from a superstitious notion, as to the necessity of that rite; that the use of the ring in marriage, and some other parts of that service, might be dispensed with; that church music should be ordered to edification; and as "for the cap and surplice," he remarks, "since they be things in their nature indifferent, and yet by some held superstitious, and that the question is between science and conscience, it seemeth to fall within the compass of the apostle's rule, which is, that the stronger do descend, and yield to the

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weaker; only the difference is, that it may be materially said, that the rule holdeth between private man and private man, but not between the conscience of a private man, and the order of a church. But yet, since the question at this time is of a toleration, not by connivance, which may encourage disobedience, but by law which may give a liberty, it is good again to be advised, whether it fall not within the equity of the former rule: the rather because the silencing of ministers by this occasion is, in this scarcity of good preachers, a punishment that lighteth upon the people as well as upon the party: and for the subscription, it seemeth to me in the nature of a confession, and therefore more proper to bind in the unity of faith, and to be urged rather for articles of doctrine, than for rites and ceremonies, and points of outward government. For, howsoever politic considerations, and reasons of state, may require uniformity, yet christian and divine grounds look chiefly upon unity." *

* What evil might not have been prevented, if these enlightened sentiments had been earlier understood! The following passage from the Commentaries on the Reign of Charles I. contains too much misrepresentation on this subject to be passed over. "Cartwright approved of these libels (the mar-prelate tracts), and well knew the concealed writers, who, indeed, frequently consulted him. Being asked his opinion of such books, he observed, that since the bishops and others there touched would not amend by grave books, it was therefore meet that they should be dealt withal to their further reproach; and that some books must be *earnest*, some more mild and temperate, whereby they may be both of the spirit of Elias and Eliseus." In this extract, D'Israeli means his reader to believe two things, both of which are untrue. The allusion to Elias and Eliseus is given as that of Thomas Cartwright, whereas it is part of an article adopted by a synod of his brethren. It is also made to refer to the mar-prelate tracts, while, in fact, it has no connexion with them, but relates simply to a sort of censorship which the members of the synod had agreed to establish among themselves. The author of the Critical History of the Puritans adduces no authority for these statements, nor, indeed, for many more which are equally accurate; the reader, however, may satisfy himself on these points, by comparing sir George Paul's Life of Whitgift, p. 65, edit. 1699,

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1604. The puritan meetings called prophesyings vindicated.

It was among the requests of the puritans to their sovereign, that they might be allowed to resume the meetings called prophesyings. But James replied, in terms of violent abuse, describing such assemblies as those where "Jack, and Tom, and Will, and Dick," would, at their pleasure, censure him and his council. The meetings thus elegantly denounced, Bacon ventures to describe as a "good exercise," and as put down "against the advice and opinion of one of the greatest and gravest prelates of this land." The exercise, he observes, was this, "That the ministers within a precinct did meet upon a week-day, in some principal town, where there was some ancient grave minister that was president, and an auditory admitted, of gentlemen and other persons at leisure. Then every minister successively, beginning with the youngest, did handle one and

with Fuller, book ix. 199—202. It is true, Cartwright was charged with uttering some of the expressions which Mr. D'Israeli has imputed to him; or rather, in the uncertain phrase of his accusers, with uttering something to that "effect," or "tending that way." But while he refused to profess an unqualified disapprobation of satirical writing on religious subjects, his affirmation is, that he could produce witnesses of the "misliking and grief" which he expressed the first time that ever he heard of Martin Mar-prelate. See Sutcliffe's Examination of Cartwright's Apology, p. 48. Matthew Sutcliffe, indeed, is not inclined to believe Master Cartwright on this point, and his struggle to avoid doing so exhibits a singular mixture of craft and weakness. Mr. D'Israeli does not wish his reader to be aware that any such disclaimer was ever uttered by Cartwright, or at least has deemed it enough simply to assert "Cartwright approved of these libels."—Commentaries, III. 245. Fuller remarks, that from 1590, Cartwright "became very peaceable; not that he began to desert the cause, but the cause him. The original state of the point of nonconformity being much altered and disguised from itself, and many state businesses, (which Mr. Cartwright disclaimed,) by turbulent spirits, shuffled into it." Ibid. 204. His protest against the oath ex-officio, had been preceded by one, on the part of the synodical assembly, with which he was accused of being connected, (202.) The same body affirmed, "that the Book of Common Prayer, &c. is not established by law," that is not confirmed in its amended form by parliament, (200.) See Chap. VI. of this volume, and Ames's Fresh Suit against Ceremonies, c. x. on this point.

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the same part of scripture, spending, severally, some quarter of an hour, or better, and, in the whole, some two hours, and so the exercise being begun and concluded with prayer, and the president giving a text for the next meeting, the assembly was dissolved; and this was, as I take it, a fortnight's exercise, which, in my opinion, was the best way to frame and train up preachers to handle the word of God, as it ought to be handled, that hath been practised. For we see orators have their declamations, lawyers have their moots, logicians their sophisms, and every practice of science hath an exercise of erudition and initiation before men come to the life; only preaching, which is the worthiest, and wherein it is more danger to do amiss, wanteth an introduction, and is ventured and rushed upon at the first."

Importance to be attached to Bacon's testimony.

If the reader will bear in mind the cautious and courteous temper of lord Bacon, and his high hope of favour with the new sovereign, when these sentiments were made public, it will perhaps appear as probable, that in what was thus expressed, the writer has advanced but little in favour of the weaker party, compared with what he could have honestly recorded, and would have recorded, under other circumstances. It would have been well for the peace of the king, and of the established church, had the counsels thus modestly proffered been fully acted upon. They are to be attributed, evidently, to a fixed persuasion of their practical worth, and without such a conviction, it is probable, that however just they might have appeared, they never would have seen the light.

CHAP. XIX.

STATE OF RELIGIOUS PARTIES DURING THE PRIMACY OF BANCROFT.

GENERAL NOTICE OF RELIGIOUS PARTIES.—STATE OF THE CATHOLICS.—OATH OF ALLEGIANCE.—STATE OF THE PURITANS.—BANCROFT—HIS PREJUDICES, WRITINGS, AND THE CAUSE OF HIS PROMOTION TO THE PRIMACY.—EFFECT OF HIS POLICY.—INSTANCE OF HIS TYRANNY.—DIFFERENCE BETWEEN THE INDEPENDENTS AND THE PURITANS—AND AMONG THE PURITANS THEMSELVES.—SENTIMENTS OF THE MORE MODERATE PARTY.—SUMMARY OF BRADSHAW'S TREATISE ON THE TENETS OF THE MORE RIGID PURITANS.—THE COMMONS PETITION IN FAVOUR OF THE SILENCED MINISTERS.—AND AGAINST THE COURT OF HIGH COMMISSION.—DEATH OF BANCROFT.—ABBOT CHOSEN PRIMATE.

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General notice of religious parties.

THE religious parties of this kingdom in the present reign, as in the preceding, consisted, first, of the persons who were opposed to all change in the religious establishment; secondly, of the puritans who called for a further reformation; and lastly, the catholics, who regarded the supporters of the established order of things, and those who merely charged it with imperfection, as equally in a state of separation from the true church, and who, in consequence, made no secret of being the adversaries of both. There was another class of professors increasing at this time in England, who sought nothing less than a separation of religion from the control of the state, upon the principles at present maintained by the protestant dissenters. But these, while they remained in England, were

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not allowed to carry their opinions into practice; and they accordingly became exiles in great numbers, some passing over to the New World, and others finding an asylum in Holland.

State of the catholics.

With regard to the catholics during the reign of James, the discussions in parliament respecting them, and the measures there adopted to diminish their numbers and influence, show sufficiently that the feeling of the nation was never more opposed to that body. It is obvious that had the laws revived, and those enacted, to put down the Romish worship, been carried into effect, the whole party would have been left to choose between exile and a state of suffering which in the case of most men would have been more intolerable.

The writers, however, who have been careful to preserve, and to give due prominence to, every severe enactment against popish recusants, and other delinquents of that communion, are not so careful to notice that whatever may have been the intention of the law-makers, the men required to administer the law, had clearly determined that such requisition should be rarely enforced. This determination was not peculiar to the court, but evidently extended to a large portion of the magistracy through the kingdom. The neutralizing effect of this state of feeling must have been unquestionable before James himself would have been induced to admit its truth, and to make it a matter of public lamentation. We have remarked that among the things adverted to by the sovereign, in the parliament of 1614, as evils for which an immediate remedy should be provided,

was this indisposition to execute the laws against popish offenders. This feeling was declared to be such, that while in many instances the officers appointed to report the names of delinquents were notoriously negligent of their duty, in others, the magistrates were as notoriously opposed to proceeding against such as were legally presented to them. "A lieutenant of mine, in one county," said James, "hath informed me, he could not procure three of the peace, except some of his own friends and servants, that would assist him in due execution of my laws."* The effect of this double connivance is said to have been an increase of the catholic body, and a boldness of manner which led them every where to boast of their growing numbers.

When we find laws of so much severity adopted against this people, and adopted almost without opposition, it is scarcely to be supposed that the members of both houses were fully satisfied as to their justice or their policy. The unanimity, we may hope, was often more apparent than real. It may have arisen in part from a consciousness that what was harsh in the letter of the statute would become tempered in the administration of it; and there was an evident fitness in such proceedings to express the national repugnance to the proposed alliance with Spain—that master error in a scheme of policy where nearly every thing was erroneous.†

* Parl. Hist. 1150.

† James, as is well known, made his connivance with regard to this party a branch of revenue. He admitted to his last parliament, that in this matter he sometimes "laid off the reins," and sometimes used "the spur." In truth, the law, in such cases, was the king's pleasure, often to the great umbrage of the patriots and more zealous protestants.—Parl. Hist. 1375.

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1607. Oath of allegiance.

Among the expedients devised by James to relieve his catholic subjects, and at the same time to secure the public tranquillity, was the oath of allegiance. Its object was to distinguish between those who adhered to the doctrine of the pope's temporal power, and those who rejected it. The former were regarded as incapable of cherishing a proper attachment to their sovereign. The latter, though they remained exposed to some severe penalties, were contemplated as persons toward whom considerable lenity might be exercised. But Paul the fifth, the reigning pontiff, asserted his right to dethrone heretical princes to be unalienable. Hence a papal breve was dispatched to this country, which condemned the new oath, and deprived all persons of salvation who should so far forget their allegiance to the chair of St. Peter as to take it, or who should deign to appear within the walls of a protestant church.*

August 22.

James was not a little displeased on learning that a measure which he had devised solely with a view to favour that suffering community, was thus sternly reprobated by their chief. But his most active opponents on this point, among whom were Bellarmine, and the jesuit Parsons, were equally chagrined on discovering, that if the king's oath was evaded by the majority of the English catholics, the minority who complied with it included the persons of greatest influence through the kingdom, and that among them was Blackwall himself, the archpriest.

* Collier, Eccles. Hist. II. 692—696.

The publication of a second breve provoked the king to descend to the arena of theological controversy. But his Apology for the Oath of Allegiance did not terminate the discussion. Answers were speedily published by the polemics already named: the king, undismayed, revised and amended his former publication; and Latin translations of it were sent in his name to the princes of Christendom. The seventeenth century, however, was to pass, and to leave this article a matter of dispute among the English catholics. And it proves the declining influence of the English monarch, with respect to the affairs of the continent, that the only persons refusing to accept his favourite present, were the archduke, and the king of Spain—parties to whom his alliance, if it were valuable at all, was of most importance.* 1607.

State of the puritans.

These discussions, which were meant to determine the claims of the sovereign with regard to his catholic subjects, were not more fruitless than his contentions with the puritans. In every parliament his nerves were shaken by this party, and to their influence his most bitter disappointments were generally attributed.† The temper with which the most moderate of the puritan clergy had been treated by the king, in the conference at Hampton court, had placed the most gloomy prospects before the whole body; and that pretended examination of ecclesiastical grievances was followed by the elevation of Bancroft, the most 1604. January. December 4.

* Lingard, IX. 197—205. James's Works.

† This was the case in his first parliament, and it continued to the last. See pp. 124, 125, and Parl. Hist. 1371, *et seq.*

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relentless adversary of all religious malecontents, to the see of Canterbury. From such a king, and such a primate, much was to be expected that would tend to exasperate the feeling of disaffection. Nor should it be forgotten, that these distinguished persons were by no means ignorant of the hostility which their policy, in relation to the nonconformist clergy, would certainly provoke.

Bancroft—his prejudices and writings.

We have already noticed the motives which influenced the conduct of James toward this party; and Bancroft had committed himself too seriously against them, and had suffered too much from their resentment, to be capable of giving any dispassionate attention to their claims. Long before the king's accession, this prelate had distinguished himself as an opponent of the puritans, and, through two quarto volumes, had assailed them in a style which assured them that he saw much more to apprehend from their ascendancy, than from a return of popery.* Some of his adversaries dared to accuse him of being secretly favourable to popish pretensions; and though the charge was in some respects ill founded, it was one which ought not to have excited either indignation or surprise. His conduct was in the style of his writings, and these were distinguished chiefly by their spirit of intolerance and abuse. The Scottish reformers, he

* "Dangerous Positions and Proceedings published and practised within this island of Britaine, under pretence of Reformation, and for the Presbyterall Discipline."—"A Survey of the pretended Holy Discipline, containing the beginnings, success, parts, proceedings, authority, and doctrine of it, with some of the manifold and material repugnances, varieties, and uncertainties in that behalf. Faithfully gathered, by way of Historical Narration, out of the books and writings of the principal favourers of that Platform." Anno 1593. Edition 1663.

affirmed, had done more injury to their country in thirty years, than had resulted from popery in five centuries.* In the protestant churches of the continent he saw scarcely any thing to approve, much to condemn, and more to deride. The base means resorted to by Dr. Cox, and his adherents, for the purpose of procuring the expulsion of John Knox from Frankfort, are described by this polemic as strictly honourable, and as showing "their dutiful hearts unto queen Mary."† With regard to that princess he also writes,—"Queen Mary was of nature and disposition very mild and pitiful; and yet because she suffered such cruelty and superstition to be practised and maintained in her days, you have heard what was resolved by Goodman, Whitingham, Gilby, and the rest of the Genevans against her."‡

These indirect apologies for the most atrocious acts of tyranny, deserved all the censure that was bestowed upon them. But in such a man they were only consistent. The volume containing them is ushered upon the attention of the reader with a collection of texts, gathered from every part of scripture, and meant to establish the doctrine of passive obedience in the most absolute form. It

* Dangerous Positions, &c. p. 30. † Ibid. 39, 40.

‡ Ibid. The following sentence succeeds the passage above cited, and may be taken as a fair specimen of the temper and ingenuousness of this disputant. "Which fact," he observes, "is a matter that should be well considered of, and in time provided for accordingly; considering that these our home-bred sycophants, men of the Geneva mould, as proud and presumptuous as any that ever lived, do charge the present state under her majesty (as before it is noted) with such great impiety, corruption, idolatry, superstition, and barbarous persecution; which may touch her highness as nearly (by their doctrine) for maintaining the present state, as queen Mary was for defending of popery."—pp. 63, 64.

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will not be easy to discover any thing in the writings of this distinguished churchman, bespeaking any true sense of religion; or any thing in his conduct, which may not be ascribed to causes distinct from it, and often very far beneath it. Whitgift's contests, as a theologian, had embittered his temper as an archbishop. Bancroft, as a writer, had exceeded him in asperity, and when raised to the same dignity, went beyond him in the severe exercise of his authority.

Causes of Bancroft's promotion.

The object of James, in entrusting so much power to the guidance of so much passion, is thus stated by sir John Harrington: "His majesty had long since understood of his writing against the Genevising and Scottising ministers; and though some imagined he had therein given the king some distaste, yet finding him, in the disputations at Hampton court, both learned and stout, he did more and more increase his liking to him;—so that although, in the common rumour, Toby Matthew, then bishop of Durham, was likest to have carried that; so learned a man, and so assiduous a preacher, *qui concionibus dominatur*, as his emulous and bitter enemy wrote of him;—yet his majesty, in his learning, knowing, and in his wisdom, weighing, that this same strict charge, *pasce oves mes*, feed my sheep, requires as well a pastoral courage of driving in the stray sheep, and driving out the infectious, as of feeding the sound, made especial choice of the bishop of London, as a man more exercised in affairs of the state. I will add also my own conjecture, out of some of his majesty's own speeches; that in respect he was a single man, he supposed

him the fitter, according to queen Elizabeth's principles of state."*

1605. Effect of his policy.

We have seen, that the efforts of the new primate to drive in the strayed sheep, and to drive out the infectious, deprived the church of some two or three hundred of its most valuable teachers. And, beside the persons whose principles exposed them to this degree of suffering, there was another, and much more numerous class, who were so far interested in this controversy, as to be displeased with these proceedings. This class consisted partly of dignitaries, but chiefly of the parochial clergy, who, while they complied with the injunctions of the king, and of the prelates, and refused to connect themselves with any prominent movement of the puritans, were sincerely desirous, that the things mainly obnoxious to that body should be removed. It may be safely concluded, that some of the prelates were neither able nor willing to act upon the letter of the instructions issued by the primate. But many instances of severity did occur, and such as justified the increased indignation of the suffering party.

Instance of his tyranny.

Thus it is stated, that a minister of Yarmouth, and a merchant of the same town, were convicted of having met, after the morning service at church, to join in a private service, conducted by a recently deprived clergyman. Both were compelled to appear before the high-commission court, and, after much vexatious treatment, were committed to prison without the privilege of bail. By claiming a writ of habeas corpus, the prisoners obtained the

* Nugæ Antiquæ, I. 11, 12.

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prospect of a trial; and Nicholas Fuller, a bencher of Gray's Inn, was employed as their counsel. Fuller had imbibed much of that patriotic temper, which was, ere long, to become more generally allied to the studies of his profession, and he ventured to move, that the accused parties should be immediately discharged, affirming, that to imprison his majesty's subjects, to impose fines, or to administer the oath ex-officio, were all matters foreign from that jurisdiction which the law had appointed to the court of commissioners.

The result of this direct and daring attack on the usurped authority of that inquisitorial tribunal was, unhappily, to place the assailant among the number of its victims. Bancroft moved the resentment and the fears of James, by representing the offender as the champion of the puritan faction, and succeeded in procuring his imprisonment. Efforts were made to obtain his release; but his crime was found to be unpardonable, and his confinement ended only with his life. The strong-holds of tyranny are rarely demolished, until some noble natures have perished in the breach!*

The effect of such proceedings was obvious, and ought to have been more wisely regarded. The disaffection of those among the clergy who were but partially disposed to the puritan cause, was increased; many also were added to the number of those who began to consider separation from the established church as a step that might be taken

* Fuller's Church Hist. p. 56. The historian speaks of this occurrence as an "unexpected rub" to the primate, while "driving on conformity very fiercely throughout all his province."

without contracting the guilt of schism; while those who had already burst through the bands of prelacy, and who maintained the church to be a voluntary corporation independent of the state, were supplied with stronger inducements to abandon their country in search of more tolerant treatment in the land of the stranger.

Difference between the independents and the puritans.

By this body, as well as by their predecessors, the Brownists, the church of England was regarded more as a creation of the civil power, than as a scriptural church. Their conscience, accordingly, was perfectly tranquil, while meditating on the established dogmas respecting the guilt and consequences of schism. With the majority of the puritans, the claims of the religious establishment were differently estimated. In their view, the English church was apostolic in her doctrines and her sacraments, though defective in discipline, and superstitious in ceremonies. To complain of these matters was their duty, and it was equally their duty to seek a reformation of them; but so long as the communion in which such evils were discovered, was still an acknowledged portion of the Christian church, it was thought, that to separate, must be to incur the anathema pronounced on the schismatic.

And among the puritans themselves.

There were others, however, to whom much of the reasoning employed by the Brownists appeared to be conclusive, and who, when ejected from the pulpits of the hierarchy, would willingly have assembled upon unconsecrated ground, and have conducted the worship of God according to their own principles. The controversy between these parties, who are sometimes described as the con-

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forming and non-conforming puritans, was carried on with much warmth, their common adversaries often enjoying their contentions, and being apparently insensible to the tendency of such collisions to bring out the truth, and to separate it from the falsehood with which it had become blended.

Sentiments of the more moderate party.

Against the more moderate of these parties, it was urged by the prelates, that, persisting in their singularities, they had annexed the guilt of disloyalty to that of schism; and that, instead of deserving praise for their temperance, they were unworthy of toleration, either in the church or the commonwealth. But to this it was replied, that while their disobedience extended to such things only as were contrary to the word of God, there was nothing in their conduct which should be described as schismatical, or as opposed to the supremacy of the crown in ecclesiastical affairs. They, accordingly, challenged their opponents to a public discussion on the propriety of kneeling at the sacrament, of using the sign of the cross in baptism, and of wearing the surplice. They ventured also to express their willingness to extend the debate to the lawfulness of imposing ceremonies in general. But this mode of adjustment was cautiously declined; and the puritan clergy of Lincolnshire presented a petition to the king, explaining the motives of that non-conformity which had exposed themselves and their brethren to so much inconvenience and suffering. The petitioners commenced with professing their assent to the doctrine of his majesty's supremacy. But they soon proceed to notice a variety of matters in discipline and worship,

with which, though enjoined by the monarch as head of the church, their conscience would not allow them to comply. They complained, that the lessons appointed to be read from the apocrypha were described as from holy scripture, and were, in proportion, more numerous than those from the canonical books, while the selections which were made from those books were much too limited; were by no means the most judicious, and were often read from translations, which, in the judgment of the most learned protestants, frequently obscured, and sometimes destroyed, the meaning of the original. With respect to ceremonies, they state it as a maxim revered by the most enlightened among the fathers in the ancient church, and by the most venerable among the reformers in the modern, that every religious practice introduced by human authority, if made to subserve idolatry, or superstition, should be discountenanced. The surplice, the cross in baptism, and kneeling at the communion, are all said to have their origin from the officious wisdom of man, and to have been subject to these abuses from the beginning.

To prove the correctness of these statements, many authorities are adduced, both from the earlier and the later history of the church. It was farther objected, that no ceremony should be imposed as necessary, which does not very obviously tend to edification, and still less if it be known to offend the conscience of devout men. And while it is presumed to be evident, that the forms above adverted to have no such tendency, they are opposed, on the ground of perplexing the conscience of the larger

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half of the preaching clergy through the kingdom. This is inferred from the readiness with which so great a number had long since availed themselves of every possible means of evading them; and from the frequent concessions of the conforming part of the clergy, as well as from the firmness with which others were daily exposing themselves to the most serious evils, rather than yield the obedience required. "God," the petitioners observe, "is the only appointer of his own worship, and condemns all human inventions, so far forth as they are made parts of it. Now, all the ceremonies in question are thus imposed, for divine service is not supposed to be rightly performed without the surplice, nor baptism to be rightly administered without the cross, nor the Lord's supper, except to such as kneel, and therefore they are unlawful."

The controversy between this class of puritans and the orthodox was warmly conducted. Cowel, who, it will be remembered, became notorious in the early part of this reign from the zeal with which he supported the arbitrary pretensions of the monarch, employed his pen in favour of the ceremonies. Six divines followed his example. Baynes, Bradshaw, and Ames, equally distinguished themselves on the opposite side. Many of the clergy, who at this time practised the conformity required, were called upon by the primate to subscribe anew to the disputed ceremonies, and such as refused were imprudently added to the number of seceders. These were described as the brethren of the second separation, and they appear to have relinquished the communion of

the established church with much pain and hesitation.* CHAP. XIX.

1604—1610.

But if such was the fate of the more moderate puritans, those who are described as of "the rigidest sort," would be still greater strangers to tranquillity. A treatise was published during this interval, by the nonconformist Bradshaw, the design of which was, to make known the real opinions of these persons. The work consisted of six chapters; and a summary of these will place the nature of the controversy between this less compromising body and their opponents in the fullest light.

Summary of Bradshaw's treatise on the tenets of the more rigid puritans.

The first chapter maintained the absolute sufficiency of the scriptures as a directory of faith and worship. It rejects all observances not evidently founded on the principles or examples contained in that volume, as the offspring of superstition or artifice, and condemns, with peculiar emphasis, all such religious inventions as had been found conducive to the practice of idolatry.

The second affirms every Christian assembly to be a church, and declares all such assemblies to be possessed of the same authority. Their officers, it is contended, should be chosen by the people, and if the members of any church should err in this election, "none but the civil magistrate has power to control them, and oblige them to make a better choice." Should the ministers so appointed be unjustly silenced, or suspended, the congregation thus bereft is humbly "to pray the magistrate to restore them; and if they cannot obtain it, they

* Neal, II. 47—55. From the abridged account published by the puritans.

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are to avow them to be their spiritual guides to the death, though they are rigorously deprived of their ministry and service." It is, in conclusion, denied that there is any thing in this branch of their polity opposed to the aristocracy, or the monarchy, of secular states, since the men who adhere to it acknowledge the authority of the civil magistrate to be of God, and supreme on earth, by whatever name he may be designated.

The third chapter is concerning "ministers of the word," and describes the pastor of a Christian congregation as sustaining the highest office in the church; as subject to no authority in the exercise of his functions, save that expressed by the Redeemer in the scriptures; and as being, in consequence, free to decline the performance of any service which has not obtained the sanction of his spiritual sovereign, whether urged in the name of the priesthood, of the magistrate, or of the people. Every such person should also be strictly separated from secular occupation, should be qualified not merely to read publicly, but to preach to the congregation, and to lead their devotions by prayer, the audible exercise of the assembly, at such times, being limited to a mere expression of approbation, as in repeating the word amen. The people were also to choose, from among themselves, certain elders, men of gravity and discretion, who should aid the pastor in watching over the manners of the congregation, and in preserving discipline.

On spiritual censures, to which the fifth chapter is devoted, it is remarked, that the keys respecting them are entrusted to the hands of the pastor and

elders of the church, exclusive of any foreign jurisdiction. But they are not to attempt, in virtue of this authority, a judgment of the heart, or to proceed against their brethren on the ground of mere suspicion or uncertain fame. Every supposed delinquent, it is observed, should be treated with the most cautious tenderness, in the hope that, if guilty, he may be brought to repentance; and should penitence follow, his restoration is regarded as an event to ensue without the intervention of fines, or any public exposure. But should his guilt be proved, should the offence also be such as to require the censure of the church, and should the offender continue impenitent, the pastor and the elders of the church, with the consent of the congregation, shall separate such a delinquent from their religious fellowship. Beyond this act of religious exclusion, no ecclesiastical censure should ever proceed. And should the offender be a civil superior, his offence is not to prevent his receiving the respect due to his station, the manner of submitting to him the representation of his fault being regulated by the honour due to his civil rank, and his simply withdrawing from the communion of the church being always understood as rendering any further proceeding unnecessary.

But the oath ex-officio is the special object of resentment. The use of this test is declared to be "most damnable, and tyrannous, against the very law of nature, devised by antichrist, through the inspiration of the devil."

The last chapter relates to the power of the magistrate, and attributes to the king the supreme

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authority over the churches within his dominions. It treats the appointment and removal of the prelates, and of all dignitaries above the rank of ordinary pastors, as depending solely on the pleasure of the sovereign. To oppose this doctrine, was to oppose the king's supremacy. And the same guilt was said to be inseparable from pleading for the toleration of papists, so long as their chief should continue to assert his superiority over secular princes.

No language could be more emphatic, than that in which even this class of puritans professed their submission to the supremacy of the crown, with regard to the church as well as the state. But this attribute, as explained by these persons, was subject to material limitations. Their obedience they never failed to describe as an obedience to be rendered in such matters only as should be, in their judgment, "agreeable to the word of God." This clause, like the memorable exception, "saving my order," so pertinaciously repeated by Thomas à Becket, was carefully marked by the conforming clergy, and was described as what must render the obedience promised a thing to be regulated more by individual caprice, than by the mandates of the sovereign. Nor were the same opponents slow to observe, that if some important points, with respect to which the king's supremacy should be exercised, were defined, there were others that should be equally subject to it, but from which it was wholly excluded.

To roll away the reproaches which were cast upon them, on the ground of these, and of some other circumstances, a petition was addressed by

the same parties, to the king, intitled, "A Protestation of the King's Supremacy, made in the name of the afflicted Ministers, and opposed to the shameful calumniations of the Prelates." But while this attribute of royalty is said to be inherent in the crown, to be that which no power may wrest from the sovereign, and which no sovereign may alienate from himself, the old exception, respecting things contrary to the word of God, returns. It is in the following language that the petitioners conclude their address:—"Therefore, all that we crave of his majesty, and the state, is, that, with his and their permission, it may be lawful for us to worship God according to his revealed will; and that we may not be forced to the observance of any human rites and ceremonies. We are ready to make an open confession of our faith, and form of worship, and desire that we may not be obliged to worship God in corners, but that our religious and civil behaviour may be open to the observation and censure of the civil government, to whom we profess all due subjection. So long as it shall please the king and parliament to maintain the hierarchy or prelacy in this kingdom, we are content that they enjoy their state and dignity; and we will live as brethren among those ministers that acknowledge spiritual homage to their spiritual lordships, paying to them all temporal duties of tithes, &c., and joining with them in the service and worship of God, so far as we may, without our own particular communicating in those human traditions which we judge unlawful. Only we pray, that the prelates, and their ecclesiastical

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officers, may not be our judges, but that we may both of us stand at the bar of the civil magistrate; and that if we shall be openly vilified and slandered, it may be lawful for us, without fear of punishment, to justify ourselves to the world; and then we shall think our lives, and all that we have, too little to spend in the service of our king and country." The dignity and justice of this appeal are left to make their own impression on the reader.*

A similar address was presented, about the same time, by the nonconformist clergy of Devonshire and Cornwall; and contemporary with these efforts, to soften the prejudices of the king and his advisers,

* Neal, II. 55—62. This writer complains heavily of these proceedings, and of some others which followed, and not without reason. "It appears from hence," he observes, "that the puritans were the king's faithful subjects; that they complied to the utmost limit of their consciences, and that when they could not obey, they were content to suffer. Here are no principles inconsistent with the public safety; no marks of heresy, impiety, or sedition; no charges of ignorance or neglect of duty. How unreasonable must it be, then, to silence and deprive such men; to shut them up in prison, or send them, with their families, a begging, while their pulpit doors were to be shut up, and there was a famine in many parts of the country, not of bread, but of the word of the Lord. (Rapin, II. 176, 185.) Yet these honest men were not only persecuted at home, but restrained from retiring into his majesty's dominions abroad; for when the ecclesiastical courts had driven them from their habitations and livelihoods, and were still hunting them, by their informers, from one end of the land to the other, several families crossed the ocean to Virginia, and invited their friends to follow them; but Bancroft being informed that great numbers were preparing to embark, obtained a proclamation prohibiting them to transport themselves to Virginia, without a special licence from the king; a severity hardly to be paralleled, nor was it ever imitated in this country, except by archbishop Laud."—pp. 62, 63. Dr. Southey ventures to censure the "gross impolicy and intolerance" of this measure, and speaks of Bancroft as possessing "neither the wisdom nor the moderation of Parker and Whitgift."

It is true, the present claims of the puritans were hardly to be complied with, and the practice of a strict uniformity to be preserved. But this same uniformity is a sort of bodily symmetry, if one may so speak, which has never been effected, except at the cost of much mental distortion; men become

1610. Proceedings in parliament relating to the church.

were some spirited movements in the cause of religious freedom in the senate.

In the last session of the king's first parliament, a member of the commons complained loudly of the prelates in "depriving, disgracing, silencing, and imprisoning," the puritan clergy, whom he, at the same time, described as "God's messengers," and eminently qualified to promote the welfare of the state. The conformity demanded of them, was said to be more than had been exacted under Elizabeth, and to be demanded, moreover, in contempt of those exertions which had been made in favour of more peaceful proceedings in the lower house of parliament. The same speaker observes, that several measures had been discussed and adopted in that assembly, with a view to wrest the temporal sword from the hand of churchmen; to limit the power of the ecclesiastical commissioners; to abolish the oath ex-officio; and to prevent the canons made in the late convocation, or in any other, from affecting the civil rights of Englishmen, by declaring the sanction of parliament to be necessary to the validity of all such regulations. It is in conclusion stated, that to these measures the court had shown itself directly opposed, and that it

inwardly, by a slighting of solemn vows, or at least by insincerity, what they should not be as the creatures of God, in order to become outwardly those obedient automatons which the laws of uniformity demand. It was not lord Bacon's manner thus to put the body before the soul, for it is on this point that he thus presumes to address the royal wisdom: "It is good we return unto the ancient bounds of unity in the church of God, which was, one faith, one baptism, and not one hierarchy, one discipline; and that we observe the league of Christians, as it is penned by our Saviour; which is, in substance of doctrine, this: 'He that is not with us, is against us;' but in things indifferent, and only of circumstance, 'He that is not against us, is with us.'"—Works, VIII. 69.

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ought not to be a matter of surprise, if a loyal people should betray considerable reluctance in parting with their money, when so pertinaciously denied the removal of abuses, and even the redress of wrongs. To this bold style of remonstrance, James, as usual, opposed the most extravagant assertions respecting kingly power; and as these assertions were followed by deeds somewhat corresponding to them, the commons, as we have noticed, drew up a protest, which deprecated the interference of the monarch with the freedom of their discussions, and declared it to be their undoubted right to inquire freely into whatever may be deemed a grievance by the subject, and into whatever may be taught concerning his majesty's prerogative.

The commons petition in favour of the silenced ministers.

This fearless avowal of popular rights was followed by a petition, in which the same persons state, that "whereas, divers learned and painful pastors that have long travailed in the work of the ministry, with good fruit and blessing of their labour, who were ever ready to perform the *legal* subscription, appointed by the thirteenth of Elizabeth, *which only concerneth the confession of the true Christian faith, and doctrine of the sacraments,**

* Mr. Hume remarks, that "in this session (1610) the commons contented themselves with remonstrating against the proceedings of the high commission court." The reader will perceive that the commons were very far from being contented with any such meagre effort. The following is the copy of a bill sent by the commons to the upper house, May 12. Compare it with Chapter VI. of this reign. "Forasmuch as divers inconveniences have grown and happened to your majesty's subjects of this realm of England, by the multiplicity of canons, constitutions, and ordinances ecclesiastical, heretofore made, whereof sundry, varying from the common laws and statutes of this your highness's realm, have already grown, and are likely daily to grow more grievous

yet, for not conforming in some points of ceremonies, and for refusing subscription to the late canons, have been removed from their ecclesiastical livings, being their freehold, and debarred from all means of maintenance, to the great grief of your majesty's subjects, seeing the whole people that want instruction lie open to the seducement of popish and ill-affected persons; we, therefore, most humbly beseech your majesty, that such deprived and silenced ministers may, by licence, or permission of the reverend fathers in their several dioceses, instruct and preach unto their people in such parishes and places where they may be employed, so as they apply themselves in their ministry to wholesome doctrine and exhortation, and live quietly and peaceably in their calling, and shall not, by writing or preaching, impugn things established by public authority."

This request, calm and moderate as it was, would be very unacceptable to the king, and to most of the ruling clergy. But it was also urged, that pluralities and non-residence should be more discountenanced; and another complaint was that "excommunication was exercised upon an incre-

and burdensome to your majesty's subjects, unless some restraint and provision be made to the contrary; may it therefore please your most excellent majesty, that it may be enacted, and be it enacted by your most excellent majesty, the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, that no canon, constitution, or ordinance ecclesiastical, heretofore made, constituted, or ordained, within the space of ten years last past, or hereafter to be made, constituted, or ordained, shall be of any force or effect, by any means whatsoever, to impeach or hurt any person or persons, in his or their life, liberty, lands, or goods, until the same be first confirmed by act of parliament, any law, custom, ordinance, or thing to the contrary, in any wise, notwithstanding."—Dalrymple's Memorials, I. 24, 25. This was the third time the commons had sent this bill to the lords. Ibid. 22.

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dible number of the common people, by the subordinate officers of the ecclesiastical jurisdiction, for small causes, and by the sole information of a base apparitor, so that the poor were driven to excessive expenses for matters of small moment, while the rich escaped by a commutation of penance." It was implored that a speedy reformation might take place "in these particulars."

And against the court of high commission.

In another petition, of nearly the same date, the same parties began a more vigorous attack on the court of high commission. The proceedings of that tribunal were said to be more oppressive than in the preceding reign; and the authority claimed by it, to be greatly beyond any thing that parliament had conceded to it. Its jurisdiction, indeed, had become so far secular, in its matters of cognizance, and especially in its penalties, as to render it improper that any ecclesiastical persons should be allowed to meddle with it. Added to which, its general proceedings were so commonly founded on royal patents, as to be found subversive of nearly all laws which happened to be opposed to the inclination of men in power. From the same cause, its manner of interpreting offences was of such laxity, that no man could promise himself a freedom from its tyranny; and while its officers, in performing their search after suspected persons, or suspected documents, became the insolent invaders of the privacies of life, the final character of the judgment pronounced by this court, as it left the oppressed without appeal, supplied the most dangerous incentive to oppression. The petition, therefore, is not that

these excesses may be restrained, but that the court itself, the very constitution of which served to foster them, should be abolished, as "a very great grievance." It is scarcely necessary to add, that the demolition thus meditated and avowed, was reserved to be accomplished amid the convulsions of the next reign.*

1603–1610.

Such was the state of religious parties during the first seven years of the present reign. Through that interval, the suppression of puritanism was the object to which the king and the primate devoted all their influence and authority. But the language of its partisans in the senate continued to assume a bolder tone; it was still necessary, in some measure, to tolerate the evil within the pale of the establishment; and in secret places, it not only continued to vegetate, but sometimes manifested itself in a temper increasingly hostile to the pretensions of the hierarchy. Amid this irritating aspect of affairs, Bancroft was called to leave the world.† By many, the attention of James was

Death of Bancroft.

* Neal, II. 68—75. Bancroft watched the proceedings of this session with much interest, and laboured to defeat the plans of the puritans. He procured, with this view, the payment of a subsidy voted sometime since by the convocation, and the vote of a larger; and complains much that the zeal shown against pluralities and non-residence, and in favour of poor livings, had not led to any restoration of lay impropriations, so unjustly retained by some of these stormy patriots.—Dalrymple, I. 18—27. We have noticed Dr. Ames as distinguishing himself by his writings at this time in behalf of the puritans. His "Fresh Suit against Ceremonies," is replete with allusions to the convocation of 1604, and the ecclesiastical proceedings of parliament, especially in the session of 1610. The argument so frequently urged in that assembly as to the illegality of obliging the clergy to quit their freeholds on account of not conforming to rites imposed without consent of parliament, is strongly insisted on. See particularly Chaps. X. XI.

† The following anecdote is greatly more to the credit of Bancroft than any thing I have met with in his history. "A minister, estimable in all

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1610.

Abbot chosen primate.

directed to Andrews, bishop of Ely, as a person particularly qualified for the vacant dignity. But the earl of Dunbar possessed a powerful claim on the gratitude of the English monarch, and his influence was successfully employed in favour of Abbot, bishop of London.

respects, saving that he troubled himself and others with those busy scrupulosities which were the disease of the party, told him in private, that it went against his conscience to conform, and therefore he must submit to be deprived. Bancroft asked him how, then, he would be able to subsist. He replied, that nothing remained but to put himself on Divine Providence, and go a begging. 'You shall not need that,' the primate answered; 'come to me, and I will take order for your maintenance.'"—Book of the Church, II. 333. This writer has remarked of Bancroft, that "he framed canons by which all persons who spoke in derogation of the church of England, either as related to its doctrine or discipline, were to be excommunicated *ipso facto;*" and to this statement even Dr. Southey adds—"the laws against libels were already too severe."

CHAP. XX.

CHARACTER OF THE BROWNISTS—RISE OF THE INDEPENDENTS.

PRINCIPLES OF THE BROWNISTS. — THEIR LOYALTY. — FATE OF BARROW AND GREENWOOD.—SIMILARITY IN THE CASE OF THE CATHOLIC AND PROTESTANT RECUSANTS. — PROTEST OF THE BROWNISTS RESPECTING THE AUTHORITY OF THE MAGISTRATE. — ROBERT BROWN. — CONGREGATION OF BROWNISTS IN LONDON. — NUMBER OF THE BROWNISTS IN 1592.—MOTIVES IN PUBLISHING THEIR CONFESSION OF FAITH.—REASONS OF THEIR DISSENT FROM THE CHURCH OF ENGLAND.—THEY PLEAD FOR TOLERATION.—CENSURED BY THE UNIVERSITIES.—THEIR DEFENCE. — ITS EFFECT. — NOTICE OF JOHNSON. — AINSWORTH. — RISE OF THE INDEPENDENTS.—ROBINSON.

CHAP. XX.

1558. Principles of the Brownists.

THE religious party which became known in this country by the name of Brownists, had existence so early as the time of Edward the sixth. We know but little, however, of their character or proceedings, before the latter half of the reign of Elizabeth. From that period, their principles appear to have assumed more of the nature of a system, and to have been generally understood. They considered every properly constituted church in the light of a strictly voluntary association, and, in consequence, were opposed to the use of any means in the cause of their principles, save those of reason and persuasion. And as every Christian association, or church, was to include such persons only as made a credible profession of the gospel,

CHAP. XX. 1596.

and as the object of the union so formed was purely religious, they claimed for themselves an entire independence of the magistrate, and also of that kind of jurisdiction which had been conceded to the established priesthood. To the magistrate they looked for protection from injury on account of their religious opinions, but for nothing more; and with respect to the prelates, their great solicitude was, to be freed, in all respects, from the interference of such authorities. They chose from among themselves the pastors who should administer the word and the ordinances of the New Testament, and the deacons, or elders, who should manage the few temporal matters connected with their proceedings. They discarded forms of prayer, but retained the practice of church censures, and appealing to the inspired volume, as the only acknowledged rule of their faith and obedience; they spoke of their peculiarities as those which had distinguished the first Christian societies, as adapted to every conceivable state of the church on earth, and as sanctioned by the direct statements of the gospel, or by the example of inspired men. They were, in short, with some slight exceptions, what the churches of protestant dissenters in this country have long been, and the arguments employed by them in vindication of their tenets and conduct, will be found, upon examination, to be in substance the same with those which influence the body of professors who have separated themselves from our ecclesiastical establishment.

That the feeling of the Brownists, with regard to the ruling clergy, was sometimes strongly indig-

nant, can occasion no surprise to those who know any thing of their character, and of the severity of their sufferings. They have been represented by their enemies, and by some nonconformist writers, as a people who questioned the christianity of all parties opposed to their doctrine. The following passage will vindicate them from this charge:— "The next calumny," says Barrow, "whereby Mr. Gifford endeavoureth to bring us into hatred with the whole land, is—that we condemn all the persons, both men and women of England, which are not of our mind, and pluck them up as tares. Wherein, methinks, he doth us open wrong, if not against his own conscience, yet against our express writings every where. Have we not commended the faith of the English martyrs, and deemed them saved, notwithstanding the false offices and great corruptions in the worship they exercised, not doubting but the mercy of God, through their sincere faith to Jesus Christ, extended and superabounded above all their sins, seen and unseen? And what now should let, that we should not have the same hope, where the same precious faith in sincerity and simplicity is found?"* That the men whose views respecting the constitution of a Christian church were what we have described, should regard the ecclesiastical state of England as not intitled to that distinction, was inevitable. From this fact, however, their adversaries proceeded to reason by way of inference, and, in conclusion, described the Brownists as teaching, not only that the church of

* An Apologie or Defence of such true Christians as are commonly, but unjustly, called Brownists. 1604. P. 96. See page 60 of this Volume.

CHAP. XX. 1593.

England was not a true or proper church, but, as a consequence, that her ministers were unauthorised, and her sacraments invalid. Against these conclusions the unhappy sectaries protested most loudly, but their voice was almost lost amid the louder cry that was raised against them.*

Their loyalty.

1596.

The puritan might be content with the reformation of the ecclesiastical constitution; the tenets of the Brownists certainly went to its destruction. Yet they were not to be reproached as disloyal. From their place of exile, they deliver the following protest on this subject: "First, we desire thee, good reader, to understand and mind, that we have not in any dislike of the civil estate in that commonwealth (England), which we much like and love, separated ourselves from that church. Neither have we shaken off our allegiance and dutiful obedience to our sovereign prince Elizabeth, her honourable counsellors, and other magistrates set over us, but have always, and still do reverence, love, and obey them every one in the Lord, opposing ourselves against all enemies, foreign or domestic, against all invasions, insurrections, treasons, or conspiracies, by whomsoever intended, against her majesty and the state, and are ready to adventure our lives in their defence, if need require. Neither have our greatest adversaries ever been able to attaint us of the least disloyalty in this regard. And although now we be exiled, yet do we daily pray, and will, for the preservation, peace, and prosperity of her majesty, and all her dominions."†

* Apologie or Defence, p. 96.

† Ibid. pref. 7.

These professions of loyalty were made by expatriated men. Similar language was uttered by the most obnoxious leaders of this party, and under circumstances which should preclude the least suspicion as to their sincerity. In 1593, Barrow and Greenwood, two of the Brownist teachers, were condemned to die. The charges against them were various—in substance, that they had not bowed to the queen's ecclesiastical supremacy, but had dared to form churches, and conduct religious exercises, in a manner different from that prescribed by state authority; and, moreover, that when grossly calumniated, they had dared to reply—not, indeed, with all the asperity of their assailants, but with more than was acceptable to their ecclesiastical superiors. A morning arrived, in which, at an early hour, these delinquents were conveyed from their cells to the place of execution. The rope being fastened to the tree, was placed on their necks, and in this state they were allowed, for a few moments, to address the people who were collected round them. These awful moments were employed in avowing their unfeigned loyalty to the queen, and submission to the civil government of their country. They affirmed, that in what they had published, they were far from meaning evil toward her majesty, or the magistracy of the realm; and if aught had escaped them which partook of irreverence as to any man's person, they confessed their sorrow, and implored forgiveness of the injured party. They acknowledged what they had written in support of their doctrine, but admonished the people to adopt their opinions only as they

CHAP. XX. 1593.

should "find sound proof of the same in the holy scripture;" and concluded with exhorting them not only to support the civil power, but, if need be, to submit to an unjust death, rather than resist it. When they had prayed for the queen, their country, and for all their enemies, and were in the act of closing their eyes upon the world, they were told that a reprieve had been sent by her majesty. "This message," the prisoners observe, "was not only thankfully received of us, but with exceeding rejoicing of all the people, both at the place of execution, and in the ways, streets, and houses, as we returned." On that day, Barrow sent a statement of these occurrences to a distinguished relative, having access to Elizabeth, and urged, that as his attachment to the queen's person and government could be no longer doubtful, he might be set at liberty, or, at least, be removed from the "loathsome gayle" of Newgate. On the morning, however, of the following day, these deluded victims were conveyed secretly to the place of slaughter, and were there put to death. The humane reader will, perhaps, forgive the exiled survivors of Barrow and Greenwood in speaking of them as martyrs.*

Similarity in the case of the catholic and protestant recusants.

It was the frequent remark of James, concerning his catholic subjects, that their bodies only were his, their souls were the pope's. But it was obvious to James, and not less so to his illustrious predecessor, that this was not more true of the English catholics, than of the puritans, and especially of such as presumed to desert the pale of the

* The letter containing this account is printed in the Apologie and Defence, p. 89—95.

established church. In both cases there was a principle of divided allegiance. In the one, it referred to an authority believed to be vested in the pope; in the other, to the same kind of homage, believed to be due to the lessons of holy writ. Both acted, though each in his own way, upon the general maxim, "Give unto Cesar the things that are Cesar's; and to God, the things that are God's." But as the constitution had refused to recognise this distinction between things temporal and ecclesiastical, to question the authority of the prince, when referring to the church, was to become disloyal and traitorous, no less than in opposing that authority when referring to the state. Elizabeth felt, that to lose her ecclesiastical supremacy would be to lose half, and, in her esteem, the more important half, of her empire. James not only imbibed this spirit, but improved upon it: fortunately for himself, and his subjects, he was more disposed to rest in theories, than the last of the Tudors. That both were usurpers, with respect to the conscience of their subjects, is certain, and will be admitted by nearly every man who is not prepared to assert, that the more tolerant policy of later times is a mistaken one.

CHAP. XX. 1603.

Protest of the Brownists respecting the authority of the magistrate. 1596.

These humble professors were far from wishing to encroach on the province of the magistrate. The amount of their claim was to be left to themselves. "We have been accused," they say, "of intrusion into the magistrate's office, as going about ourselves to reform abuses. It is a mere malicious calumny, which our adversaries have forged out of their own heart. We have always, both by word

CHAP. XX. 1596.

and practice, showed the contrary, neither ever attempted or purposed any such thing, but have endeavoured thus, only to reform ourselves and our lives, according to the rules of God's word, by abstaining from all evil, and keeping the commandments of Jesus, leaving the suppressing and casting out of the remnants of idolatry unto the magistrates, to whom it belongeth." *

For some time, these small societies appear to have existed without either assuming or receiving any peculiar designation. By their enemies, their conduct was generally regarded as a sort of ultra puritanism, on the same ground that puritanism itself was considered to be a sort of ultra protestantism. As secrecy afforded their only hope of avoiding persecution, they were little concerned about the distinction of a name, being well aware, that, should it serve to render their principles better known, it would also add to their sufferings. Penry, one of their preachers, and a martyr in their cause, assured Elizabeth, that churches of this description had existed in London, and in other places, during the reign of Mary, and that the arm of a protestant princess had proved more oppressive to them than that of her catholic predecessor.

Robert Brown.

It was about twenty years subsequent to Elizabeth's accession, that the individual became notorious, who was to confer on this people the name by

1580.

which they were to be for some time known. Robert Brown was descended from an ancient and honourable family in Rutlandshire; and what

* Apologie and Defence, pref. 7.

proved to him of much more importance, was nearly related to Cecil, the lord-treasurer. He was educated at Cambridge, where his ardent style of address rendered him for a while a favourite with the populace.

In 1581, he settled at Norwich, and by this time had commenced his invectives against the established church. The number of his converts in that city added to his zeal; and several churches were formed, by his means, in other places. Harassed, however, by the ecclesiastical courts, the new apostle fled to Middleburgh, in Zealand, and while pastor of a church which he had collected in that place, published his Treatise on Reformation. The design of this publication was, to urge the people to act upon their own views of church polity, without tarrying "till the magistrate command and compel them."

But the church at Middleburgh gave umbrage to its pastor; and, in 1585, Brown appeared again in England, where he was not long without calling for the renewed vigilance of the bishop's pursuivants. Cecil interceded with Whitgift, and procured the release of his disorderly relative, who, for some three or four years afterwards, remained silent. Renewing his itinerant labours towards the close of that interval, he was publicly excommunicated by the bishop of Peterborough. The sentence was pronounced with studied solemnity, and the offender is said to have been so much affected by it, as earnestly to implore absolution. This he obtained, according to Fuller, on easy terms, through the influence of his great kinsman, and he

CHAP. XX. 1590.

was even preferred to a living, which he retained to his death. The last forty years of his life were passed in obscurity and contempt.

It was his boast, however, "that he had been committed to thirty prisons, in some of which he could not see his hand at noon-day." His religion is exceedingly doubtful. He was plainly one of that restless class of men who must ever be making or unmaking, and who, whether they become religious zealots, or political zealots, are a torture to themselves, and a serious annoyance to all sober communities.*

That such a man should have given his name, even for a brief space, to a party, whose leading principles have since been advocated by some of the most enlightened men, and become the creed of millions, is a fact, which exposes the folly of reasoning indiscriminately, from the character of individuals, to that of their system. Such, however, is the philosophical temper with which the story of these early separatists continues to be told by our most popular writers. The little occurrences which betray individual weakness are culled with vigilance, and put forth with an air of triumph, as demonstrating the unmixed absurdity of theories, which the parties thus caricatured are said to have embraced. From this rule of proceeding, it follows, that the man who shall be aware of the atrocities of certain kings, or of the worldliness of certain bishops, must regard kingship as every where a curse, and bishoprics as the same. It is curious to observe,

* See the Life of Ainsworth, prefixed to his two Treaties, ed. 1789, and Wilson's History and Antiquities of Dissenting Churches, I. 14—16.

how an affected superiority to vulgar natures, may be thus coupled with a mode of reasoning borrowed from the veriest vulgar.

Congregation of Brownists in London.

The congregation of separatists, which had been long accustomed to meet at different places in the neighbourhood of London, was at length surprised while engaged in a religious service at Islington. The apartment in which they had assembled to conduct their sabbath devotions was the very same in which a protestant congregation had secretly worshipped in the time of Philip and Mary. More than fifty persons were taken into custody, and committed, two and two, to the several prisons of the metropolis and its vicinity. On their examination, they confessed that they had often met in fields during the summer, at an early hour on the Lord's day, and in private houses during winter. Having occupied themselves at such times in prayer and expounding the scriptures, they generally dined together, after which a collection was made for the relief of their imprisoned brethren. Their account of themselves, was artless, intelligent, and fearless, though not, perhaps, sufficiently respectful. They were returned to prison, and consigned to solitary cells, where many of them died, some from the atmosphere they were compelled to breathe, and others from want.

Among the different kinds of martyrdom, this is assuredly the most terrible. In the number of those who thus perished, was one Roger Rippon. The following inscription was placed on his coffin, by his surviving brethren, and it is worthy of remembrance, as expressing that sacred detestation which religious persecutors never fail to create, and

CHAP. XX. 1592.

from which they sometimes obtain their reward. "This is the corpse of Roger Rippon, a servant of Christ, and her majesty's faithful subject, who is the last of sixteen or seventeen, which that great enemy of God, the archbishop of Canterbury, (Whitgift,) with his high commissioners, have murdered in Newgate, within these five years, manifestly for the testimony of Jesus Christ. His soul is now with the Lord, and his blood cries for vengeance against that great enemy of the saints, and against Mr. Richard Young, (a justice of peace in London,) who in this, and many like points, hath abused his power for the upholding of the Romish antichrist, prelacy, and priesthood. He died A.D. 1592."*

Beside those who were punished with this lingering dissolution, there were others, who were subject to confiscations, and some, as we have seen, who perished under the doom of traitors. The natural effect of these measures, on such as escaped, was to render their disaffection to the hierarchy more determined.

Number of the Brownists in 1592.

In 1592, this people had so far increased, that it was considered hopeless to attempt a suppression of them, or to bring about any reconciliation between them and the established church, and it was proposed to save the country from the infection of their heresy, by transporting them to the colonies. During the debate on this subject in the house of commons, sir Walter Raleigh observed, that the expediency of the proposed scheme was more than doubtful, as the culprits could not be estimated at

* Neal, *ubi supra*; and Wilson, I. 18—20.

much less than twenty thousand men; and if the male offenders were disposed of, their families would remain to be provided for by some other means.* CHAP. XX. 1596.

In the course of this debate, these obnoxious fraternities are called indifferently Barrowists and Brownists. Their enemies, in describing them by these names, generally intended to identify them with what was conceived to be reproachful in the death of the one leader, or in the infirmities of the other. But all these expedients failed of their object.

During the last ten years of Elizabeth, the seceders were subject to the most pitiless persecutions; and many, distrusting the safety to be derived from the most cautious secresy in England, fled to the United Provinces, where, partly from the favour of the magistrates, but still more by means of their own insignificance, they succeeded in forming and perpetuating several churches on the model which they had introduced into this country—a country of which they ever speak with filial affection, and for which they never cease to pray, in the spirit of christian patriotism. 1593—1603.

We have noticed that, in 1596, these exiles published a confession of their faith.† In the preface to that document they state some of the causes which had produced their separation from the Anglican church. They begin by observing, "It may seem strange to thee, christian reader, that any of the Motives in publishing this confession of faith.

* Parl. Hist. *ubi supra.*

† It is a part of the publication which is cited, in the preceding pages, under the title of an Apologie and Defence, &c.

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English nation should be forced to forsake their native country, and live in exile, for the truth of the gospel, especially in these days, when the gospel seems to have free passage, and to flourish in that land. And for this cause has our exile been hardly thought of by many, and evil spoken of by some, who know not, as it seems, either the true state of the church of England, or our causes of forsaking and separating from the same; but hearing this sect, as they call it, to be every where spoken against, have, without further search, accounted and divulged us as heretics, or schismatics at the least. Yea, some, and such as least might, have sought the increase of our afflictions, even here, both secretly and openly. This hath Satan added unto all our former sorrows, envying that we should have rest in any part of the inhabited world; and though we could, for our parts, well have borne this rebuke of Christ in silence, and have left our cause to Him who judgeth justly all the children of men, yet for the manifestation and clearing of the truth of God from reproach, and for the bringing of others, together with ourselves, to the knowledge and fellowship of the gospel, we have thought it needful, and our duty, to make known to the world our unfeigned faith in God, and loyal obedience towards our prince, and all governors set over us in the Lord, together with the reason of our leaving the ministry, worship, and church of England."

Reasons of their dissent from the church of England.

They protest against being described as a fastidious people who had separated from the church of England on account of a few blemishes, which

were no more than must attach to the most perfect church on earth. Separation, in such a case, they declare to be unlawful; and they proceed to shew that their chief objections to the English church did not relate to its ceremonies more than to the leading principles of its structure and policy. "First," they say, "in the planting and constituting of that church, at the beginning of queen Elizabeth's reign, they received at once as members the whole land, which then generally stood for the most part professed papists, who had revolted from the profession which they made in the days of king Edward, of happy memory, and shed the blood of many christian martyrs in the days of queen Mary. This people, yet standing in this sinful state, in idolatry, blindness, superstition, and all manner of wickedness, without any professed repentance, and without the means thereof, *viz.* the preaching of the word going before, were, by the force and authority of law, compelled and together received into the bosom and body of the church, their seed baptized, themselves compelled to the Lord's supper, having this ministry and service which now they use set over them; and ever since they and their seed remain in this state, being all but one body, commonly called the Church of England. There are none exempt or excluded, be they never so profane or wretched. Now let the law of God be looked into, and it will there be found that such persons are not fit stones for the Lord's spiritual house; no meet members for Christ's glorious body. None of years may be received into the church, without free professed faith, repentance, and submission

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unto the gospel of Christ and his heavenly ordinances. Neither may any continue therein longer than they bring forth the fruits of faith, walking as becometh the gospel of Christ. Christ Jesus hath called and severed his servants out of and from the world. How then should this confused and mixed people be esteemed the orderly gathered, truly planted, and rightly constituted church of God?

"Secondly, as they have received the whole route of the popish multitude, without any distinction, for members of their church, so have they set over them, as reason was, the same popish clergy and prelacy which they received from the Romish apostacy, and which is this day to be found in popish churches—these have both ecclesiastical and civil authority to reign as princes in the church, and live as lords in the commonwealth, to punish, imprison, and persecute, even to death, all that dare but once mutter against their unlawful proceedings."

In the third place, they complain, more at large, of the jurisdiction of the prelates, and of those puritans who having made a noble stand against ecclesiastical impositions, had of late submitted to the yoke, on finding that the "queen and council" were not to be prevailed with "to put away these adversary prelates." They state, moreover, that the office of the parochial clergy in the church of England is "to visit the sick, to give him the sacrament, and forgive him all his sins; and if their livings or benefices amount to a certain sum of money in the queen's book, then must they preach four sermons in a year in their parish, or

get some other to preach for them. Where also must be noted, that the most part of these priests are utterly unlearned, and cannot preach at all; whereby it cometh to pass, that most of the people are as blind as they were in the dark days of popery."

They complain further of the prelates having "gathered their service-book verbatim out of the mass book," and would have nearly the whole of the established ritual proscribed, either on its own account, or on account of its idolatrous origin. So much importance, they contend, was attached to this rubric, that the preaching of the gospel was almost superseded by it, "the meanest artificers, as shoemakers, tailors, weavers, and porters," whose only competency was to read the service book, or a homily, being frequently ordained as christian teachers. To these "churches, ministers, and services," they add, "must all the people come; yea, though they have, in the next parish, a preacher, and in their own a dumb unlearned priest, yet are they all tied to their own church and minister, and must, at the least twice a year, receive the sacrament at his hands. If they refuse this, or do not ordinarily come to their parish church, then are they summoned, excommunicated, and imprisoned till they become obedient. In this bondage are our countrymen held under their priests and prelates; and such as, by the word of God, witness against and condemn these abominations, they hate, punish, put to death, and persecute out of the land."

Having made these statements, they remark,

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" thus seest thou briefly, good christian reader, the things which we mislike in the church of England, and for which we have separated ourselves as God commandeth. To all these, if we were among them, should we be forced to submit our bodies and souls, or else suffer violence at the hands of the prelates, and end our lives by a violent death, or by the miseries of imprisonment, as many of our brethren before us have done. How many souls have perished in their prisons through miserable usage; how many have been put to death; and how many banished, though we could to their eternal infamy relate to all the world, yet will we not blaze abroad their acts, (for we take no delight in laying open their shame,) but mourn for them in secret, committing our cause to God that judgeth justly, knowing that he which maketh inquisition for blood remembereth it, and will not forget the complaint of the poor.

" And thou, christian reader, vouchsafe to remember before God in thy prayers such as yet remain in bonds and in prison amongst them for the testimony of Jesus, enduring a hard fight of afflictions, and, having the sentence of death in themselves, are like, if the Lord send not unexpected deliverance, there to end their days. Concerning ourselves, who, through the mercy of God, have found a place of rest in this land, for which we are always, and every where, humbly thankful, we desire thy charitable and christian opinion of us, and holy prayers unto God for us, whose kingdom we seek, whose ordinances we desire to establish and obey, protesting, with good consciences, that it

is the truth of his gospel only for which we strive, against those cursed relics of antichristian apostasy unto which we dare in no wise submit ourselves—no not for a moment. For if it be not lawful for Christians at this day to retain the ceremonies of Moses with the gospel, as the passover, circumcision, the priesthood, and sacrifices, which yet were once commanded by God himself, how can we think it tolerable to observe the odious ceremonies of Antichrist, or submit ourselves to his laws, priesthood, hierarchy, and traditions, which the Lord never allowed, which never entered into his heart—yea, which he hath so severely forbidden?"

The rare and valuable document from which these extracts are taken, relates to the close of the sixteenth century, and by this time, several of the teachers among these early dissenters had given proof that they were men of learning. The contribution made to the stores of our sacred literature by such men as Ainsworth and Canne must be more than enough to save their communion from contempt. The writers, too, who have been concerned to exhibit these sufferers as a divided and insignificant sect, have appeared to forget that the more feeble and unimportant they were, the less is there to urge in excuse of the policy adopted toward them by their immaculate adversaries. The superstitious and persecuting zeal of Bancroft would supply such men with some of the most tangible of their arguments when vindicating their conduct.

They plead for toleration.

They presented three petitions to James soon after his accession, earnestly soliciting that the toleration enjoyed by the French and Dutch

CHAP. XX. 1604.

churches in the English metropolis, might be extended to themselves, promising to "carry themselves as loyal subjects, leaving the suppressing, abolishing, or reforming, of the abuses against which they witnessed, to his majesty's discretion." But this suit, modest and reasonable as it was, they urged in vain.

Censured by the Universities.

The Oxford divines, in their public notice of the petitions preferred by the puritans, adverted also to those which had proceeded from this body, describing them as pestilent and blasphemous, and to be despised rather than confuted. An answer to these reflections was published in the following year by Ainsworth, together with the confession of faith that had been put forth in 1596. This confession included the doctrines held by the separatists in common with the church of England, and those principles of ecclesiastical polity which formed the sole ground of their dissent from it; and to the whole numerous texts of scripture were annexed, along with the general reasonings on which its statements were founded.

Their defence.

These bereft outcasts had been challenged to this effort by their opponents, who were luxuriating within the walls of their colleges. But the only effect of their labour was to provoke the interposition of Bancroft, who, in a letter to the English ambassador in Holland, expressed it as his majesty's pleasure, that the vigilance of the States should be employed to prevent the printing of such books within their dominions.*

Its effect. Feb. 9, 1605.

* "I suppose," he writes, "it is not unknown unto you, that sundry factious and schismatical persons who have cut themselves off from the communion

1604. Notice of Johnson.

The first pastor among the people whose reforming zeal the archbishop was thus employed to counteract,—at least, the first of whom we have any knowledge, was Francis Johnson. This divine had suffered much in his native country, first, as a puritan minister, and, afterwards, as a separatist, before his removal to Amsterdam, in 1592. These circumstances appear to have given some severity to his temper. At Amsterdam, he formed a church on the principles of the Brownists, of which he became pastor, in connexion with Ainsworth as teacher. The confession of faith which these exiles addressed to the protestant universities of Holland, France, and Germany, in 1598, was the joint production of Johnson and Ainsworth, as was the preface which accompanied it, when translated by them from its original Latin, and addressed to the divines of Oxford and Cambridge, in 1604.

But the harmony of the little flock over which

of our church, and are thereupon departed out of the land, have planted themselves in divers towns of the Low Countries, where they have liberty, without impeachment or contradiction, to publish in print many dangerous books and pamphlets, in English, to the maintenance of such their anabaptistical opinions, and to the slander of the ecclesiastical government established here in England; which their insolence being lately made known to his majesty, he willed me to give notice thereof unto Sir Noel Caron, that he might write unto the States for redress of the same; which he hath accordingly done, and thereunto expecteth their answer. Wherefore, understanding that there are certain books of this sort now presently in hand, to be printed at Amsterdam, I thought good to write unto you, wishing you heartily to take notice of his majesty's pleasure so signified by me to Sir Noel Caron, and accordingly thereunto to deal with the States, not only for the stay of the said books in Amsterdam, but likewise for the suppressing and restraining of all other such English books which shall be at any time hereafter offered to be printed in any of the cities or towns under their government. Your careful endeavours herein, whereof I make no doubt, will be very acceptable to his majesty, who tendereth nothing more than the preservation of the peace of the church established within this realm, which those unquiet spirits labour by all means to disturb."—Winwood, II. 195.

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Johnson presided was soon disturbed. The first occasion of discord was the marriage of Johnson with a lady, whose competent fortune is said to have been connected with a love of finery and indulgence, which a portion of his charge regarded as inconsistent with a profession of the gospel. Among the dissatisfied on this matter were the father and brother of the pastor. The result, however, after some years of uneasiness, was the expulsion of this discontented minority, who, in 1599. consequence, became a separate church. This dispute was succeeded by one respecting baptism, which was followed by a second division, the baptists being led by Mr. Smyth, who removed, with his followers, to Leyden, where, beside his peculiarities relating to baptism, he became a teacher of the doctrines afterwards avowed by Arminius.

To this controversy another was added, originating in some difference of judgment between Johnson and Ainsworth with respect to discipline. Johnson appears to have been more of a presbyterian than his colleague, and, in a fit of resentment, proceeded so far as to excommunicate him and his adherents. It has been said, that the parties excommunicated returned the censure, but of this there is no proof. The evidence arising from Ainsworth's more peaceable disposition, and from some other sources, would lead to an opposite conclusion. Johnson removed soon afterwards to Emden, where he closed his days, and his church became extinct.*

* Life of Ainsworth, *ubi supra*; and Wilson, I. 20—22.

Ainsworth, though an Englishman, is only known as a resident in Holland. It is probable that he left this country with his brethren, who fled from the severer persecution directed against them in 1592. The exiles describe themselves as "almost consumed with deep poverty, loaded with reproaches, despised and afflicted by all." Ainsworth shared fully in their sufferings. It was in such circumstances that he produced those works which continue to render his name so familiar to biblical students, not only in England, but in a much greater degree on the continent. His most laborious production consisted of annotations on the five books of Moses, the Psalms, and the Song of Solomon, of which Dr. Doddridge thus speaks:—"Ainsworth on the Pentateuch is a good book, full of very valuable Jewish learning, and his translation, in many places, to be preferred to others, especially in the Psalms." Besides some controversial pieces, of less general interest, he published a treatise, intitled The Communion of Saints, and another, called An Arrow against Idolatry. The first production displays an acquaintance with Scripture, an intelligence, and a devotional feeling, which to every student of puritan divinity must be peculiarly grateful. The second refers to the nature of idolatry, especially as illustrated in the defection of Jeroboam, from the worship divinely instituted at Jerusalem. The learning and spirit with which this argument is prosecuted are admirable; and excepting lord Bacon's paper on "the pacification of the church," there is not perhaps another controversial treatise belonging to the age of James the

CHAP. XX. 1622.

first, that discovers the same measure of acuteness. It has a section containing the substance of Middleton's celebrated "Letter" on papal idolatry. Ainsworth died about the close of 1622, and was succeeded by Mr. Canne, an individual, who, though equally known to posterity by his biblical labours, certainly wanted the calm discrimination, and more sober feeling of his honoured predecessor.*

Rise of the Independents.

While Amsterdam was the centre of these proceedings, a church was formed by another company of exiles at Leyden, and one, the movements of which were to be intimately connected with the ecclesiastical history of this country, and with the

1609.

religious character of the colony bearing the name of England in the New World. The minister who collected these strangers and became their first

Robinson.

pastor, was Mr. John Robinson, a clergyman, who, after relinquishing a benefice near Yarmouth, had

1600—1608.

preached during several years to a small congre-

* Life of Ainsworth, *ubi supra*; and Wilson, I. 20—22. Mr. D'Israeli states, that "on the principle that no human inventions were to be permitted in divine worship, Mr. Canne furiously cut out of his Bible the contents of the chapters, the titles of the leaves, and left his fluttering Bible without binding or covers. This saint might, however, have been reminded that the holy scriptures could never have existed without the aid of human inventions, in the parchment of the manuscript, and the print and paper of the book."—(III. 290.) This may be very clever, and a style very much suited to the matters of ecclesiastical history. But, unfortunately, the tale bears upon its surface the evidence of falsehood. The man who shall attempt to cut away "the contents of the chapters" from his Bible, will soon find that in doing so he must cut away no small portion of the text. And were this difficulty removed, the reader would not, perhaps, find it less difficult to comprehend how a man should spend the greater part of his life, as did this Mr. Canne, in attaching marginal and other notes to the Bible, and at the same time partake of that stupid feeling about human inventions which our facetious commentator has imputed to him. The story, it should be added, originated with one of Canne's adversaries, on whose authority it found a place in Kennet's Register. This circumstance, Mr. D'Israeli would of course regard as unworthy of notice.

gation of dissenters in that neighbourhood. The secresy observed in their ambulatory meetings was not sufficient to protect the minister or his friends from expensive prosecutions in the ecclesiastical courts, which in 1608 induced some of the sufferers to abandon their country. Robinson's first views of church government partook of the severity of the Brownist system; but his mind was studiously open to conviction, and his intercourse with several devout scholars, especially with his fellow-exile, Dr. Ames, led him to adopt some milder sentiments, more in agreement with the temper of his mind. He did not deny the reformed churches to be true churches, nor object to associate with them in their worship; but he contended for the strict independence of every church with respect to external authority, whether civil or ecclesiastical. Advice might be received from any quarter, but to command was believed to be the exclusive province of the Redeemer. The scriptures were regarded as the statute book, received from the hand of this invisible sovereign, and were the only standard of appeal. This has ever been the leading maxim of the independents, whose origin has been generally traced to the mind of Robinson.

CHAP. XX. 1609.

Twelve years had passed since the settlement of these exiles at Leyden, when, from the removal of the aged by death, and the young by marriage, the church was in danger of becoming extinct. Much anxiety was felt on this account, and many fervent prayers were offered. It was at length resolved, by many of the remaining members, that to perpetuate the principles for which they had so long

1621.

CHAP. XX. 1621.

suffered, and to provide an asylum where their suffering countrymen, to whom these principles were equally dear, might always find liberty of conscience, they would transport themselves to the new world. Some English merchants became adventurers in the undertaking, and the exiles, converting their little property into a common stock, procured two vessels to bear themselves and the stores necessary for the proposed colony, to their place of destination.

After an appropriate sermon, Robinson bade adieu to this enterprising portion of his flock, in an address which disclosed the utmost tenderness of feeling, along with the noblest elevation of character. Whether he should ever see their face again or not, was known only to God; but before that God and his blessed angels, he charged them to follow him only so far as he should be seen to have followed his Lord. Whoever their future teacher might be, it would be their solemn obligation to receive the truth, as it should be disclosed to them. He lamented deeply, that the churches of the reformation had all halted where their founders had halted. Luther and Calvin were converted by their disciples into infallible guides, though, great as they were, they saw not all things. Were those noble instruments of God's providence now living, they would doubtless become, in many things, other men, following the brighter light before them. "I beseech you," he adds, "remember, it is an article of your church covenant, that you be ready to receive whatever truth shall be made known to you, through the written word of

God. Remember that and every other article of your sacred covenant. But I must herewithal exhort you to take heed what you receive as truth, examine it, consider it, and compare it with other scriptures of truth, before you receive it, for it is not possible the christian world should come so lately out of such thick antichristian darkness, and that perfection of knowledge should break forth at once. I must also advise you to abandon, avoid, and shake off the name of BROWNISTS; it is a mere nickname, and a brand for the making religion, and the professors of it, odious to the Christian world."

The persons thus addressed, were about one hundred and twenty in number, and after passing a whole night in prayer, they committed themselves to the chances of the deep. Robinson and his remaining followers knelt on the beach, and with ardent supplications commended them to the protection of him whom the winds and waves obey, and whose care never fails to be attendant on his own, though chased from their hearths to the wilderness by the rod of the oppressor.*

Robinson meant to have accompanied the remaining portion of his charge to New England, but died in 1626, in the fiftieth year of his age. His removal was sincerely lamented, not only by his congregation, but by Christians of different professions, and by many learned men, who were numbered with his friends. Solid learning, and an unusual maturity of thought, had characterised his early life, and the excellency of both was

* Neal's New England, *ubi supra*; and History of the Puritans.

CHAP. XX. 1626.

afterwards acknowledged in the university of Leyden, where he took a conspicuous part in the disputes connected with the Arminian controversy. His life bespoke the decision of his mind, and his sufferings were such as frequently give a hardness to the temper; but Robinson lived and died with the character of an amiable man. His active benevolence, and known integrity, won the affectionate confidence of the Dutch clergy and professors in his neighbourhood, many of whom honoured him with their friendship, and attended his remains to the grave.

But while this divine is remembered as the father of the independents, it was the zeal of a disciple which gave existence to the first church of that order in England. This disciple was Mr. Henry Jacob, a clergyman, who, before the decease of Elizabeth, had distinguished himself in the controversy respecting Christ's descent into hell. After passing some years among the expatriated Brownists, he was introduced, about 1609, to Mr. Robinson, and, from that period, became the steady advocate of his less rigid tenets.

It was in 1616, that Jacob relinquished his charge at Middleburgh, and with the private sanction of several learned puritans, instituted the first congregational church in this country. A day was observed for solemn fasting and prayer, at the close of which each member made a confession of his faith. Their mutual pledge was to walk in all the ordinances of God, "as already revealed, or as he should further make them known." Mr. Jacob was chosen pastor, and several of the

brethren were ordained, with imposition of hands, to the office of deacons. In the same year, a petition was addressed to the king, entreating the toleration of such professors, and a pamphlet was printed, containing a statement and defence of their principles.

During eight years, this society was protected from dissolution, partly by the hurry of public affairs, but chiefly by the smallness of its numbers, and the secrecy of its movements. At the close of that interval, Jacob removed to Virginia, when his office devolved on Mr. John Lathorp, from whom, in 1637, it descended to the well-known Henry Jessey. The history of these preachers may again claim the reader's attention.

Rarely do we meet with such lucid proof of sincerity, as in the case of this once persecuted, and still calumniated, people. No explanation of their conduct can be given apart from that which they themselves supply—a sacred sense of duty to their God. No other motive could have sustained them under sufferings so complicated and so protracted. Their state involved a relinquishment of every tie to earth, and what could have supported this, except that religion which includes a vigorous hold on the future and the eternal? In the state of degradation to which they were reduced, they had no sensible monuments of former greatness to cheer them with that melancholy pleasure which such objects never fail to inspire. The catholic exile could point to the most powerful nations as devoted to his faith, and as adorning it with all the earthly majesty that wealth or genius

CHAP. XX. 1624.

could supply. And even in those countries where its dominion had ceased, he could assert the extended possessions which imparted so much dignity to a new race of priests, to be possessions pertaining, of right, to his communion, and could bid those splendid temples, or mouldering ruins, which connect the imagination with the ages far remote, to speak for the greatness of that empire which his creed had once possessed. Not so, these professors of a system so distinct from, and so unlike, the kingdoms of this world. No nation had adopted their policy, and the clergy, even in the only spot of Europe where they could find an asylum, were frequently their persecutors.

But they were not without reasons to assign, in vindication of their conduct, nor without facts of pre-eminent grandeur to adduce in support of those peculiarities which had exposed them to so much obloquy and suffering. They could trace their favourite opinions to an antiquity with which the cathedral and the monastery had no alliance. They could find the parallel of their poverty, their reproaches, and their many wrongs, in the history of the great founder of Christianity, and in the history of the men who were endowed by him with a greatness of nature which raised them far above the common level of humanity. As to the ascendancy of creeds, they could tell of centuries through which their own had maintained its ground against every conceivable kind of hostility, extending its triumphs as a system of truth, even in such circumstances, to the most distant nations. What it had done, in this respect, they were persuaded it

would do again. It was their solemn conviction that the cause which in its own native strength had triumphed over the paganism of one empire, must prevail, in its appointed time, against the semi-paganism of that which had succeeded it. Through the first two centuries, their principles were those most generally recognised; and to the age of Constantine, christianity was, as in their case, the religion of a people every where slandered and proscribed. They did not live to see their principles adopted by the most powerful states of the new world, and by many myriads of their countrymen; but they had their moments, in which they could anticipate a change even thus surprising, and in which they could brave any hazard, and apply themselves to any toil, with a view to promote it.

The first party in Christendom to advocate the cause of religious liberty—we mean to advocate it fully and consistently, was this party of outcasts. And because, in this respect, they were wiser than their generation, they were long despised by it.

CHAP. XXI.

ECCLESIASTICAL AFFAIRS FROM THE DEATH OF BANCROFT TO THAT OF JAMES I.

DIFFERENT POLICY OF BANCROFT AND ABBOT. — TRANSLATION OF THE SCRIPTURES COMPLETED. — BURNING OF UNITARIANS — LEGATE — AND WRIGHTMAN. — BOOK OF SPORTS. — ECCLESIASTICAL REGULATIONS OF 1622. — RISE OF THE DOCTRINAL PURITANS. — POLICY OF JAMES TOWARD IRELAND — AND SCOTLAND.

CHAP. XXI. 1611.

Different policy of Bancroft and Abbot.

THERE were some important points on which the character of the new primate was widely distinguished from that of his predecessor. With the first, the puritans were the objects of special hatred; in the esteem of the second, there was not so much to be apprehended from the occasional turbulence of that body, as from the intrigue and disaffection of the catholics. It is common to observe, that the puritanism of England greatly increased as the consequence of this change; but it would perhaps be more accurate to remark, that it became less the religion of secresy. Wherever an inclination favourable to that cause existed, the only effect of the policy pursued by Bancroft must have been to perpetuate and confirm it. According to lord Clarendon, the religion of the new archbishop consisted in an indiscriminate abhorrence of popery. In this representation there is perhaps as little truth as charity; but the noble historian may be credited, when stating of the same

person, that "he inquired but little after the strict observance of the discipline of the church, or conformity to the articles or canons established; but if men prudently forbore a public reviling at the hierarchy and ecclesiastical government, they were secure from any inquisition from him, and were equally preferred." It is added, that beside these delinquencies, he scrupled not to admit some of the proscribed sectaries to his friendship; and what was still more deplored, granted a frequent licence to their writings.* CHAP. XXI. 1611.

The year of Abbot's elevation was rendered memorable by the completing of our present Translation of the Scriptures completed.

* Hist. I. 156, 157, 167. This writer describes the death of Bancroft as "never-enough to be lamented." Among the puritan clergy who became exiles to avoid the persecutions of that prelate, was Dr. Ames. This divine received his education at Cambridge, and, on leaving this country, was chosen minister of the English church at the Hague, where, to the great discomfort of the ruling powers in this kingdom, he was held in much esteem. James instructed Abbot (1611) to write to the English ambassador, urging that the exile might be displaced, from a station of so much importance, "as privately and cleanly" as the matter should permit. The primate remarks, that were the obnoxious preacher in England, the contumely with which he had treated the state and the church, would have brought upon him "exemplary punishment." "We are also acquainted," observes the prelate, "what English preachers are entertained in Zealand, whereunto, in convenient time, we hope to give a remedy here."—Winwood, III. 346. This letter is one among several in the same collection, relating to such topics, which appear to have been unknown to our nonconformist writers. It shows, that if Abbot was a friend to the puritans, his spirit of toleration had very narrow limits. Ames removed from the Hague, but it was to take possession of the divinity chair in the university of Franeker, which he retained, with much honour, during twelve years. It was not until after this time that he wrote his "Fresh Suit against Ceremonies," the most controversial of his works. Neal describes him as the most acute disputant of his time, and his Latin treatises against Arminius as unequalled by any writer of the age "in conciseness and perspicuity." His principles were those of the body subsequently known by the name of "independents." He died pastor of the English church at Rotterdam, in 1633. Locke visited the university at Franeker in 1687, and describes it as having produced many learned men. The professors were thirteen or fourteen in number; the system of instruction efficient.—Lord King's Life of Locke, I. 300.

CHAP. XXI. 1611

translation of the scriptures. This important labour was commenced in consequence of a suggestion from the puritan clergy at Hampton Court, and is perhaps the only advantage which can be traced to that pretended conference. It was in 1604, that more than fifty of the principal divines, from both universities, were nominated to this work. Two years, however, passed before their task was begun, and in that space death had reduced their number to forty-seven. These were then divided into six classes; and when each division had translated its portion of the volume, the parts were compared with each other, and the whole was made subject to revision. Five years had elapsed since the commencement of this undertaking, when the new, or as we should perhaps rather say, the amended translation of the inspired records issued from the press.

Much praise is unquestionably due to the king, as the patron of this enterprise, and to the scholars who were engaged in it. The result was an improved rendering of many important passages; and, as a standard of our language, the volume became serviceable to an extent beyond calculation. At the same time, it seems no more than proper to state, that considerable care was evidently exercised, that the sacred text might be disfigured as little as possible, by a phraseology favourable to the tenets of puritanism; and it can hardly be doubted, that a greatly preferable translation might be effected, and with much less labour, in the present state of biblical criticism.*

* Collier's Ecclesiastical History, II. 692—694. This historian will supply the reader with some interesting information on this subject.

CHAP. XXI.

1612. Burning of Unitarians.

But, while the monarch and the principal theologians of the country were thus honourably employed in recognising the right of private judgment, events were transpiring which seem to connect us again with those evil times when that right was everywhere denied. No one, indeed, of our protestant sovereigns had escaped the stain of shedding protestant blood, as the penalty of holding proscribed opinions in religion. But James, though a timid, was not a cruel man; and he had hitherto avoided this worst crime in the example of the Tudor dynasty.

Proceedings against Legate,

In the year 1612, however, a man, named Bartholomew Legate, was accused of Arianism. He is described as possessing good natural parts, and an intimate knowledge of the scriptures, and is, moreover, admitted to have been irreproachable in his morals. Several of the bishops, and James himself, condescended to reason with him; but his obnoxious creed remained unaltered. After a period of confinement, which was meant to afford him opportunity for reflection, the consistory of St. Paul's proceeded to pass its sentence upon him as an obstinate heretic, and delivered him to the secular arm for correction. James signed the warrant for putting him to death. At the stake, his life was offered him, on condition of retracting his opinions, but he refused to accept it on such terms, and was, in consequence, reduced to ashes, amid a host of spectators. This scene took place in Smithfield.

and Wrightman.

About the same time, a similar spectacle was exhibited at Lichfield. Edward Wrightman is said to have been there convicted of holding

CHAP. XXI. 1613.

the heresies of Arius, Cerinthus, Manes, and the anabaptists, and his body was, in the same manner, committed to the flames. But in these instances of intolerance, it was so evident that the sympathy of the populace was in favour of the sufferers, that it was judged expedient to refrain from executing a similar sentence, which had passed on a third offender, who was, in consequence, left to waste out a wretched existence in Newgate. These proceedings deserve the attention of the reader, as being the last of their kind in this country, though the disgraceful law, *de heretico comburendo*, on which they were founded, remained upon our statute book until after the restoration.*

Book of Sports.

From this period in the reign of James, there is little remarkable in the proceedings of religious parties. There was a proclamation, however, issued in 1618, and a series of ecclesiastical regulations published in 1622, which are worthy of notice, as showing the silent, but steady progress of puritanism to the time of Charles. The pro-

* See A True Relation, &c. at the end of "Truth brought to Light." Wrightman was evidently a poor visionary creature. Dr. Southey's manner of referring to these events intimates that James would have sought the rescinding of the statute against heretics, had he not known the scandal it would occasion throughout Christendom, and remarks, that, "in this respect, James was advanced beyond his country and his age." I am not aware of any authority that would justify this conclusion as to James, except it be what occurs at p. 213 of this volume. The following passage is from John Hale's Sermon, at St. Paul's Cross, during this reign. "I could wish that it might be said of the church, which was sometimes observed of Augustus, 'He had been angry with, and severely punished many of his kin, but he could never endure to cut any of them off by death.'" The preacher also remarks, that "the crown of martyrdom sits not only on the heads of those who have lost their lives, rather than they would cease to profess the name of Christ, but on the head of every one that suffers for a good conscience, and for righteousness' sake."—Works, I. 71, 98.

clamation related to the sanctity of the sabbath, or rather, to its profanation. The puritan clergy, and such of the magistrates as were attached to their doctrine, had, for some time, attempted to enforce a more strict observance of the Lord's day, and this was done with so much success, as to provoke the serious displeasure of their opponents. The catholics, it was pretended, had taken occasion from this growing severity of manners, to reproach the reformed faith, as opposed to natural liberty, and to the innocent enjoyments of life. It was well known that the great sin of the persons who professed to be thus scandalized, had frequently consisted in attaching too much importance to acts of seclusion and penance; but that their prejudices might be no more disturbed by examples of spiritual austerity, and self-denial, among their adversaries, and that the king might not be thought indifferent to his good people's recreation, it was announced, as his majesty's pleasure, that at the close of divine service, they should not "be disturbed, letted, or discouraged, from any lawful recreations, such as dancing, either of men or women, archery for men, leaping, vaulting, or any such harmless recreations, nor having of May-games, Whitsun-ales, or morris-dances, or setting up of maypoles, or other sports therewith used, so as the same may be had in due and convenient time, without impediment or let of divine service; and that women should have leave to carry rushes to the church, for the decorating of it according to old custom."

1618.

May 24, 1618.

These were lawful sports. Among the unlawful,

CHAP XXI. 1618.

were bear-baiting, bull-baiting, and interludes; and bowling is particularly specified as at all times prohibited "to the meaner sort." The only parties to be excluded from the Sunday pastimes, were the popish recusant, and all persons wandering from their parish church, or attending there during a part only of the appointed service. It was the command of the sovereign, that this instrument should be published from all the pulpits of the kingdom. Fortunately, the primate refused to obey the royal mandate. Nothing, however, could prevent the measure from increasing existing animosities, and its effect was not only to diminish the little popularity which the mistaken policy of the king had left to him, but to contribute greatly toward the fatal convulsions of the next reign.*

Ecclesiastical regulations, 1622.

The ecclesiastical regulations which were published four years later, were intended to abridge the influence of the puritan clergy, by limiting their sermons to the morning of the Sabbath, and by so defining the matter of their discourses, as to favour the creed of Arminius in the church, and the doctrines of arbitrary power in the state. A puritan divine had recently maintained before the university of Oxford, that to resist the chief magistrate, may, in some instances, be strictly lawful, especially if the power of the sovereign should be employed, to endanger the property, or the lives, of his subjects, to lay upon them intolerable burdens, to deprive them of liberty of conscience, or to oblige them to assent to blasphemy, or to the practice of

* Collier, II. 711, 712.

idolatry. It was soon demanded on what authority these dangerous statements were promulgated.

The preacher observed, that they were taught by Pareus in his commentary on the epistle to the Romans, but that his chief authority was the conduct of James himself, who had assisted the Rochellers in opposing the tyrannical measures of their lawful prince. The guilt of publishing such doctrines was conceived to be greatly augmented by this sturdy method of supporting them. The defenceless preacher was punished with imprisonment; the commentary of Pareus was publicly burnt in London and Oxford; and to wipe off the reproach of such political heresies, it was decreed by the university, in full convocation, that it is unlawful for subjects to appear in arms against their sovereign, under any pretence whatever. Every graduate was called upon to swear assent to this doctrine, and to swear, moreover, that it should never fail to be part of his creed! So profound was the knowledge of that learned body, with respect to the properties, the inherent, the unalienable laws of the human mind. Opinions, in their judgment, were purely the creations of authority, and the man who should allow his notions to be affected by future inquiry or evidence, was involved in the guilt of perjury. After this, it is not surprising Aug. 10. that James should be found prohibiting preachers, of every degree, from attempting to declare, limit, or set bounds to, the prerogative, power, or jurisdiction, of sovereign princes. It was added, also, or to meddle with affairs of state. And this addition might not have been wholly indefensible,

CHAP. XXI. 1622.

had it been employed to silence the foes, as well as the friends of popular rights. But it was an instrument, the edge of which always fell in one direction. The third article in this series, bespoke the change which a few years had produced in the mind of the king, on the most important topics of Christian theology. Calvinism was no longer the creed of the monarch; and, discountenanced by the throne, it was speedily banished from the court. To avow it, became a mark of puritanism, as certainly as to object to the papal ceremonies.

Rise of the doctrinal Puritans.

By this change, a large and active body of men called *doctrinal* puritans, was added to those who had previously borne that name, and the advocates of conformity soon found themselves beset with new difficulties. Only three years before the pub-

1619.

lication of these articles, the synod of Dort had been convened, with a view to condemn the tenets of Arminius. James employed his influence in favour of that assembly, and instructed his delegates to confirm its decrees on all points, excepting those which were opposed to the order of bishops, and those which affirmed the validity of presbyterian ordination. But the new light which the king had now obtained, opened the path of preferment in the Anglican church, to theologians of a very different complexion from those who had hitherto monopolised the royal patronage. Among the new favourites were Harsnet, Neile, and Laud.*

* Neal, II. 116—118. One of the regulations above noticed, required "that no preacher should use railing speeches against papists or *puritans*." Were the puritans introduced here for the sake of the papists? Wilson asserts that it was the boast of Gondomar, the Spanish ambassador, that he had interceded successfully for not less than four thousand popish recusants.

Before dismissing the ecclesiastical affairs of this reign, it will be proper to notice the conduct of James with respect to the catholics of Ireland, and the presbyterians of his native country. In his view, the suppression of catholicism in the sister island was indispensable to its repose and its general welfare; and the establishment of episcopacy in Scotland was believed to be, in the same degree, necessary, as the means of reducing that turbulent people to a state of due subjection to the royal authority. Hence the entire policy of the English monarch, in relation to both kingdoms, was designed to be immediately subservient to the first of these objects, as the means of accomplishing the second. But in Scotland, the effect was to convert the general dislike of prelacy into a more rooted abhorrence, and to diffuse a feeling of disloyalty, where its existence was to have been least expected. In Ireland, the plans pursued included such flagrant violations of the rights of conscience, of personal liberty, and of all the laws of property, that, after the many dreams of civilizing the barbarian tribes, in which the monarch had indulged, they were found adhering to their religious creed with a fonder attachment, and regarding their oppressors with unabated resentment. The practice of their worship was every where forbidden; such persons as failed to attend the established service, were subject to excommunication, fines, and imprisonment; and every man who aspired to literary honours, who would fill the office of magistrate, or plead at the bar, or sue out the livery of his lands, was required, by the law,

Policy of James toward Ireland and Scotland.

Ireland.

CHAP. XXI. 1604.—1613.

to take the oath which protestant legislators had devised, for the purpose of excluding the supremacy of the pope, and placing that of the sovereign in its room. It is true, these laws were not always enforced, but the exceptions were attributed to a sense of weakness, more than to any feeling of lenity. The instances, also, in which they were acted upon, associated, as they were, with the terror, and the sense of degradation, which the bare consciousness of their existence served to produce, were such as to leave but little prospect of those religious conversions which James had hoped to witness, as the best fruit of his policy. His plantation schemes, which were extended from Ulster to many other counties, were, doubtless, well meant, but they were entrusted to men of little principle, and of as little humanity, and tended, in consequence, to give a wider scattering, and a deeper place, to those seeds of disorder which have continued to desolate that ill-fated country through so many generations. It should be added, however, that defective and injurious as were the plans of the English government, with regard to Ireland, during this period, they were, upon the whole, far more equitable and humane than any thing that had preceded them. Hume affirms that James did more towards civilizing that island in nine years, than had been done in the previous hundred and forty. This great credit may be really due to him, and the amount of good conferred be very little after all—such a scene of barbarism and convulsion had that kingdom been!

The king's project to establish episcopacy in Scotland was commenced in 1606, three years subsequent to his obtaining the throne of Elizabeth; and his last efforts in the same cause were made in 1621, four years previous to his death. During the first ten years of this interval, the management of this important affair was committed to his ministers on the spot, especially the earl of Dunbar. The first step was to appoint thirteen clergymen to the old bishoprics; the next, to render the bishops, so nominated, moderators of the synods and presbyteries with which their locality connected them. Their sees were afterwards endowed from some episcopal lands, which had fallen to the crown, and, with a view to augment their power and jurisdiction, two high commission courts were instituted, by the sole authority of the sovereign; and, finally, an act was obtained from the Scottish parliament, which reserved the calling of all general assemblies to the monarch, which required every clergyman, on admission to office, to take the oath of supremacy, and which, under the name of canonical obedience, called upon every such person to recognize the jurisdictions of the new bishops, as extending, among other things, to the presentation to benefices, and to the suspending or depriving the disobedient through their diocese. To effect this change, the king had not spared the use of authority or learning. He reasoned with the refractory; described the obstinate as enemies to his royal dignity; and, in one instance, left certain of their leaders to choose between a life of exile, or the death of traitors.

CHAP. XXI. 1617.

So serious a matter was it to question the royal infallibility. The tools for such measures were not difficult to procure, and those acts of bribery and intrigue, to which all popular assemblies are exposed, and which so few are known to resist, were not resorted to without effect.

On leaving his Scottish subjects in 1603, James had promised to visit his native country once in three years. During more than four times that space, the pecuniary embarrassments of the king were such as to render this arrangement impracticable; and when the royal pledge was redeemed, it was only by means of restoring some cautionary towns to the Dutch, for a third of the sum which they were to have secured.* On his arrival in Scotland, James was not long in discovering that the scheme which had been prosecuted with so much ingenuity, perseverance, and expense, was very partially realized; and, what must have been greatly more distressing, the expressions of popular feeling were such as to leave but little ground to suppose that the influence of the sovereign himself would prove equal to the task which it was applied to accomplish.

May 1616.

The king urged the Scottish parliament to declare that the decision of the monarch, with the approbation of the prelates, and of a certain number from the inferior clergy, should constitute the law in all ecclesiastical affairs. Such, however, was the opposition to this wily proposal, that it was withdrawn; and to cover his retreat, James affected to attach little importance to a parliamentary

* Rymer, XIV. 783—787.

sanction, when relating to what he affirmed to be a right inseparable from his crown.*

In a subsequent meeting of the clergy, it was stated to be the king's pleasure that the eucharist should not be taken in a sitting, but in a kneeling posture; that, in cases of dangerous sickness, it should be administered in private houses, in common with the sacrament of baptism; that the confirmation of youth should be performed by the bishops; and that the festivals retained in the church of England should be observed in the church of Scotland. Three of the persons who had dared to oppose a similar exercise of the prerogative in the late parliament, had been since tried upon a charge of sedition. Two of these were now suffering suspension and imprisonment, and the third lay under sentence of perpetual banishment. Their fate may have disposed their friends to proceed with caution. The ministers, on their knees, entreated that the novel articles now proposed, might be referred to a general assembly, and the king, with a private understanding that no opposition should be made to them, consented. When submitted to that body, James had left Scotland, and the murmurs, which his presence only had suppressed, were now uttered without restraint. The language of the assembly was, that they were protestant believers, acknowledging no authority opposed to the scriptures, and that the novelties which it was now attempted to impose upon them were all either of popish or

* Spottiswood's Hist. 337, *et seq.*

CHAP. XXI.

Nov. 1617. pagan origin. Hence the utmost they could do, was to allow that the eucharist might be privately administered to those among the sick whose recovery might be considered hopeless.* The king felt that he had been duped. In the next assembly, however, means were found to induce two-thirds of the parties present to vote in favour of the articles; and in a parliament of a subsequent date,

Aug. 1618. a majority was again obtained for the same object. It is, nevertheless, certain, that the established episcopacy of Scotland, at this time, was what the established protestantism of Ireland has long been—a thing imposed by the few, and detested by the many. The effect of these proceedings will disclose itself in the ensuing reign.

* "They alleged," says Lord Binning, in his letter to the king, "that the order presently observed in this country, being agreeable to the word, and Christ's institution, and as they were sworn, at their admission to the ministry, to observe the true religion and discipline received in this church, they could not, with safe conscience, alter it."—Dalrymple, I. 84—93.

CHAP. XXII.

DEATH OF JAMES I.—STATE OF RELIGION AND OF CIVIL LIBERTY AT THAT PERIOD.

DEATH OF JAMES.—HIS CHARACTER.—STATE OF RELIGION AT THIS PERIOD—AND OF CIVIL LIBERTY.

CHAP. XXII.

1625. Death of James I.—His character.

JAMES adjourned his last parliament in the summer of 1624, and in the following March he expired, after a sickness of short duration. His last hours were not without some anxious thoughts in relation to the future; and his character, viewed with regard to religion, affords but too much ground for painful apprehension. There are readers who will be surprised, and, perhaps, displeased, that any doubt should be expressed as to that man's Christianity, who always conversed more on this subject than on any other, and who, while filling such a station, made the matters of divine revelation, or things which were supposed to be parts of it, the chief study of his life. But this much applauded theologian was a man whose word had no value, and one whose recorded oath was not found to impose any certain restraint.* He was not disposed to licentious pleasure, but could descend to minister to it in others, even in its grossest forms. With the view of raising himself to the place of the

* See page 246.

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Almighty's vicegerent, and for the purpose of clothing the opponents of his personal inclinations with the guilt of impiety, he could appeal to every thing solemn in the sanctions of religion, and, at the same time, could profane the sacred name of God with a frequency and a vulgarity that is almost incredible.* Hence, as we have observed, there is no court in our history, if we except that of Charles the second, so unblushingly dissolute as that of James the first; nor is there another reign in which the administration of justice became so systematically corrupt. The sovereign winked at licentiousness, and his dependants drank of it to the full. The breast of the king was not the place of truth, and with the men nearest to his person, truth became a matter of convenience. How far this conduct proceeded from weakness, and how far from viciousness of heart, is not to be fully known. It may sometimes be attributed to timidity of temper, and sometimes to a love of ease; but in its more censurable instances it does not admit of so favourable an explanation. It cannot

* "He would make a great deal too bold with God in his passion, both in cursing and swearing, and one strain higher, verging on blasphemy; but would, in his better temper, say, he hoped God would not impute them as sins."—Weldon's Court and Character of James I. 23, 181, 186. The same sort of repentance followed his moments of intoxication.—Ibid. Boderie III. 196, 197. This writer states, that the comedians of the age amused the public with various exhibitions of his sacred majesty, sometimes cursing his falcons and hounds, sometimes striking his servants, and generally gracing the day with at least one fit of drunkenness. But this monarch has been suspected of propensities still more revolting. His manner of addressing his favourites, and his personal behaviour toward them, were strangely unnatural. Sir Walter Scott appears as if constrained to adopt the worst conclusion (Notes to Somers' Tracts, II. 488.); and the circumstances which lead to it seem to carry a painful probability along with them. I know not what to think. See Brodie's Hist. II. 15—19.

be affirmed that James was a singularly vicious man, except in the matter of sincerity; nor was he without some positive virtues, but these were always sullied, and often neutralized, by their opposites, as the wise sayings reported of him were generally coupled with foolish deeds, it being much easier to borrow the maxims of the prudent than to copy their example. His general good nature was not questioned; but that, allied, as it was, to a strong spirit of favouritism, proved the source of much pecuniary embarrassment, which always led to other troubles. He has been praised, also, for the penetration with which he frequently saw the difficulties of an enterprise. But when it is remembered that there is not a project during his reign, in which he allowed his feelings to be deeply interested, that did not prove a failure, his far-sightedness will appear to have been a faculty of little practical value, and by no means applicable to topics requiring any considerable power of calculation. His favourite schemes were to effect a union between England and his native country; to subdue the feeling of his new subjects, with regard to popular rights; to suppress the puritans; to win over the catholics; to extend protestantism to Ireland, and episcopacy to Scotland; and to accomplish an alliance between his family, and the royal family of Spain. In support of all these measures, he employed his whole strength; with respect to the issue of all he was most sanguine; and from all he lived to reap the bitterness of disappointment.

Some years previous to his death, the Calvinistic

CHAP. XXII.

1625. State of religion at this period.

creed of the English monarch was relinquished for that of Arminius; and we have seen that among the leading churchmen of the period a similar revolution of sentiment was observable. An attachment to the doctrines of Calvinism became in consequence a badge of puritanism, and one quite as offensive to the court as a dissatisfied feeling in reference to the established ceremonies. This, however, will exite less surprise, when it is remembered that the Arminianism of the dignified clergy was generally connected with an adherence to the maxims of arbitrary power, while the tenets of the Genevan reformer, as retained by the parochial priesthood, were as commonly associated with an attachment to the principles of civil liberty. Bancroft's severities were regarded, for a while, as menacing the destruction of this obnoxious sect; but his decease, and the more lenient temper of his successor, soon discovered that such anticipations had been prematurely indulged. Many of the deprived ministers, whose numbers appear to have reached to several hundreds, cherished the feelings of the confessor, and they were honoured as such by their followers. Their brethren, who from various motives complied with the injunctions of their superiors, were a more numerous body, and were men who ceased not to sigh for a change which should admit of some withdrawment from the yoke which they had so reluctantly taken upon them.

1611. The death of Bancroft took place fourteen years before the death of the king, and from that period the true state of religion in the country became more apparent. In every parish where the puritan

clergy continued to labour, they were indefatigable in the office of preaching, in catechising the young, in visiting the sick, and in the discharge of those functions which were adapted to produce in the people a rooted preference of that severer protestantism of which these devoted men were the advocates. Each house of commons, as it was assembled, disclosed the growing influence of this body in the nation. To this the meditated alliance with Spain had in no small degree contributed. Men who were not puritans, but who were sincerely concerned for the safety of the protestant interest, frequently became conspicuous as the advocates of a party, whose fearless courage, and patient labour, in that cause, appeared to constitute one of its best securities;—some deprecating the return of popery chiefly on account of its superstitions, and some on account of its tyranny. In this light were the puritans regarded by the archbishop of Canterbury, and by the most popular and able men in the lower house. This state of things did not escape the observation of the monarch, and, accordingly, during the latter half of his reign, the hope of crushing the sectaries, once so confidently entertained, was clearly abandoned. The discussions which took place in the commons, immediately after the accession of the new sovereign, bespeak still more certainly the progress which the doctrines of puritanism had been silently making through the country to that period.

And of civil liberty.

But the advance of the principles of civil liberty during this reign, was more obvious than that of the graver form of Christianity, with which they

CHAP. XXII. 1625.

were so generally allied. On a slight review, it may seem that the disputes between the government and successive parliaments, were little else than a recurrence of fruitless broils. On a nearer inspection, the subject is much more inviting. The commons were by no means infallible. They did not always see sufficiently before them, nor were their feelings or their measures always chastened by the soundest discretion. But when the folly and petulance so strangely obtruded on the one side is remembered, our surprise is rather excited that so much patience and decorum was generally manifested on the other. There must have been a principle of loyalty deeply fixed in the heart of a people who could quietly submit to so much of the insolence of authority, when it was evident there was so little of the means necessary to support it. But with this national affection and reverence, in relation to monarchy, a love of liberty had become united; and there was enough in the intelligence and the earnestness with which this new feeling was cherished, to indicate the approach of changes, unwelcome, perhaps, to some possessors of authority, but important to those for whose benefit all authority is created.

By the advocates of popular liberty, during the reign of James, royal proclamations were exposed as arbitrary, and declared to have nothing of the force of law. Additional provisions were made against the crying abuse of monopolies. The important privilege of the commons, to decide for themselves, with respect to all contested elections in the case of their members; and their

equally important right to impeach any delinquent servant of the crown before the upper house, were acquisitions secured beyond controversy. Many discussions had taken place with respect to the duties laid upon property at the ports, and such as tended to make the dependence of all such duties on the sanction of parliament more unquestionable. From these debates, great advantages had already resulted, and in the course of the next reign, every step thus gained was not only marked with caution, and protected with vigour, but became the point from which other movements began, that were meant to recover still more of the lost liberties of Englishmen, or to place some new security around them as the best legacy of former times.

CHARLES THE FIRST.

CHAP. I.

ACCESSION OF CHARLES.—STATE OF PARTIES.

KING'S MARRIAGE. — A PARLIAMENT. — STATE OF PARTIES IN THE LORDS — IN THE COMMONS. — THE COURT PARTY.—THE PATRIOTS AND PURITANS.

CHAP. I. 1625.

CHARLES had reached the twenty-fifth year of his age, when called to ascend the throne of his father. As the heir apparent, and the probable husband of the Infanta, his character had long since been a matter of some scrutiny, among the different parties into which the people of England had been for some time formed. It was not, however, until his return from Madrid, that the conduct of the prince of Wales became such as to attract the confidence of any party among his future subjects.* At that moment, Charles not only concurred with the policy of Buckingham, and with the wishes of the nation, in abandoning the proposed alliance with Spain, but declared, and with the solemnity of any oath, that should his wife prove a catholic, no concession should

* There is a letter of Charles to Buckingham, in the Hardwicke Papers (I. 456), which shows, that while prince of Wales, he had learnt to consider the "discontent" of parliament a small matter, when compared with the crown in its "reputation abroad;" and that he then conceived the court to be competent to "command" such assemblies, as to what they should speak, or not speak.

be made with respect to her religion, beyond its private exercise in her own residence.* CHAP. I.

1625. King's marriage. May 1.

Charles had scarcely succeeded to the throne, when he became the husband of Henrietta, the sister of the French monarch. Nothing had passed to render it either inconsistent or improbable that one catholic princess should be thus chosen in the place of another. The event, however, was regarded, by many, with suspicion and alarm, and particularly on account of its supposed tendency to lower the crown of England from its proper place, as the head of protestant Christendom. The loss of that dignity, in the estimation of the body of the people, would have been poorly compensated by any accession of secular greatness. Previous to his marriage, also, Charles had been induced to violate his solemn pledge with regard to the toleration of the catholic worship. He promised, first, that every thing conceded on that point in the treaty with Philip should be granted in favour of Henrietta; and, ultimately, in a secret article, that no catholic should be molested on account of the private exercise of his form of worship.† In the transactions with regard to Spain, it is certain that Buckingham, with a view to gratify his private resentment, had

* "Whenever it should please God to bestow upon him any lady that were popish, she should have no further liberty but for her own family, and *no advantage to the recusants at home*. Commons Journal, 756.

† Cabala, 332, 320. Ellis's Original Letters, III. 179, 547—561. Rushworth, I. 173. Hardwicke Papers, I. 523, *et seq.* The late king, and the prince, were induced to comply with these altered terms, lest a refusal should expose them to the mortification of a second failure, which, in consequence of the interference of Spain, there was some room to apprehend.

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resorted to the grossest artifice; and it is no less certain that Charles was, in a great degree, aware of this, and consenting to it. These important facts soon became known to the leaders of the popular party; and the unfavourable impression produced by them, as to the trust that might be safely reposed in the new sovereign, or in the man who was believed to govern him, was early manifested.

A Parliament. June 18.

But the king gave credit to those who flattered him with the assurances of popularity, and it was with confidence that he submitted the state of his finances to the parliament which was convened immediately after his accession. The assembly dissolved on the death of the late king was favourable to the intended war. But the sum voted in aid of that doubtful enterprise, had not covered more than half the expenses already incurred. The lower house, as now constituted, included most of the persons composing that which preceded it, and, in the language of the court, they were regarded as the same body. It was also deemed expedient to forget that the projected hostilities arose, not from the influence of the commons alone, but, in at least an equal degree, from that of Charles himself, and, in a still greater measure, from the anger and intrigue of his favourite—a man whose unmerited ascendency had only become more secure by a change of sovereigns.*

* Our historians have generally noticed the fortunes of Buckingham, in this respect, as singular. We know not how far the sagacious counsel of Bacon contributed to this result; but, in his "Advice to sir George Villiers,"

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1625.

We have seen that the opposition presented to the policy of the court, in the parliament of 1621, was not confined to the commons, but extended considerably to the upper house. The event was singular in the parliamentary history of that reign, nor had any thing resembling it taken place during a long interval previously. This novelty may be traced, in part, to the jealousy with which the power of Buckingham was naturally regarded in that assembly, and partly to the changing—or we should rather say, perhaps, to the improving spirit of the times, which left no class of the community uninfluenced. In the parliament convened by the new monarch, the earl of Pembroke appears to have been the man possessing the greatest authority with these parties: he had ten proxies at his disposal, and thirteen was the utmost which the influence of the favourite could bring to the field.*

State of parties in the lords.

In the commons.

But it was the lower house which disclosed the temper of the nation. The parties included in it were distinguished from each other on points relating both to the laws and the religion of the kingdom. But all were the friends of monarchy. Nor does it appear that there existed among them

he thus writes: "I have but one thing more to mind you of, which nearly concerns yourself; you serve a great and gracious master, and there is a most hopeful young prince whom you must not desert; it behoves you to carry yourself wisely and evenly between them both: adore not so the rising son, that you forget the father, who raised you to this height; nor be you so obsequious to the father, that you give just cause to the son to suspect that you neglect him: but carry yourself with that judgment, as, if it be possible, may please and content them both; which truly I believe will be no hard matter for you to do."—Works, VI. 450.

* Journals, III. 431. Lingard, IX. 328. It was resolved, not long after this time, that no peer should hold more than two proxies; this regulation is still in force.—Journals, 507.

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The court party.

any thing resembling an organized body opposed to the ecclesiastical establishment. The court party consisted mainly of persons who, from various motives, supported the pretensions of the crown, and who were generally content to follow the instructions of the cabinet. But many of the claims of royalty were such as a large body of the nation had become disposed to question and resist, and the men who now appeared to advocate these questionable rights, were generally constrained to perform their task rather covertly than directly.

They would not be described as the abettors of tyranny or of superstition, but on the many disputed particulars relating to the law of the civil, and of the ecclesiastical state, they were careful to suggest some milder interpretation of their conduct, insisting that the difference between them and their opponents, referred less to the object to be pursued, than to the best mode of pursuing it. Their attachment to protestantism, they contended, was as unimpeachable as that of any portion of the community; and in the affairs of government, they were as much concerned as their opponents, to be guided by the known provisions of the constitution—but there were novel and extreme cases, for which the statutes and sometimes even the customs of the realm could not supply an adequate rule, and the point on which they must be allowed to insist was, that all such cases should be understood to be left to the discretion of the sovereign and his advisers.*

* An exception to this cautious policy, which so strongly marked the

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The patriots and the puritans.

But under this specious reasoning, the country party could detect the germ of all grievance and misrule, and they failed not to treat the cautious and moderate expressions of their adversaries as insincere, and as more the language of policy than of patriotism. Their own numbers greatly exceeded the adherents to the court, and were made up from two classes. The most powerful body was that of the puritans. But with these was a second class, described under the general name of patriots, and in this smaller band were many of the most distinguished men of the age. It must not be supposed, however, that the patriotic party consisted of men whose concern for civil freedom left them without solicitude as to the religion of their country. Among its leaders were such men as sir Edward Coke, sir John Eliot, and sir Robert Cotton, who frequently adverted to the safety of the protestant cause, as a question claiming the precedence of all others. Coke was long the oracle of this party, and there is every thing in his character, and in his conduct, to forbid our supposing that such language was assumed to propitiate a faction. The horror of popery, indeed, which some far-sighted men are pleased to represent as one of the ridiculous attributes of puritanism, was not more observable among people of that stamp, than among no small number of those

conduct of the court party at this time, occurred in the case of two or three persons who had passed most of their time in foreign courts. But the attempt of these gentlemen to reconcile their countrymen to a despotic government at home, by reminding them of the wooden shoes, and coarse fare which it doled out to its victims abroad, was encountered in a manner that could not fail to extinguish their eloquence. Parl. Hist. I. 60.

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who are said to have acted with them, without belonging to their sect, and these allies of that calumniated people will be found, if fairly viewed, to have been great men, not only as compared with their times, but as compared with their race. By the one class, however, popery was assailed chiefly on account of its opposition to civil liberty and social improvement; by the other, it was to be crushed, as a power which invaded the conscience, and destroyed the soul. Both regarded its possible revival as inseparable from the return of the greatest national calamities; but the one saw only a part of those religious evils which must follow in its train, the full extent of which was never absent from the view of the other.

We may deplore the intolerance which characterized the zeal both of patriots and puritans; but that of the puritans, which it has long been the fashion to censure most, will appear to have been the least culpable, if it be only admitted, that the degree of our opposition to an evil should be regulated by our perceptions of its magnitude. Those secular reasonings which induced the patriots to seek, and with so much earnestness, the destruction of popery, were equally true and important in the esteem of the puritan, while the religious motives which, in his case, were superadded to those reasonings, were the most solemn and imperative that could be presented to the mind of man. We know not of a single penal law imposed on the English catholic by puritans, with which the patriots did not readily concur; and, what is more,

it is evident, that to the zeal of the latter class some of the most severe enactments of this description owed their origin. In truth, puritanism has been made a sort of scape-goat to bear the reproach of sins which are scarcely more chargeable upon such persons, than upon the most learned and philosophical men of their day. It should be remembered, also, that the men who were thus relentless in their opposition to popery, were habitually severe in the religious discipline which they imposed upon themselves.*

But whatever shades of difference there might have been among these parties, as to the justice or the policy of appealing to the magistrate to eradicate the superstitions of the Romanist, there was one question on which they were never disunited;—that question was civil liberty. The persecuting temper which had marked the later government of Elizabeth, and which continued to dishonour that of her successor, produced results in the case of the puritans the opposite of those which had been anticipated from it. The disputed points with regard to religious worship became more familiar, and better understood; and the reasoning which fitted men to resist usurpation, when approaching

* It has been justly remarked, that the difference between Charles and his parliament, with respect to the treatment of catholics, has been frequently spoken of as though it were a struggle between a liberal sovereign and an illiberal people. But the conduct of that sovereign toward the puritans shows, that his different inclination, with regard to the catholics, proceeded from no principle of toleration. The philosophy of this business is not very profound. Catholicism was considered in the court and the country as the ally of arbitrary power; and what rendered it hateful to the one party, procured it the favour of the other. We may add also, that the cry against popery was never more obstreperous than after the Restoration, when the age of puritanism had passed.

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the conscience, taught them to assume the same attitude when its evils fell on their possessions, and reached to their personal liberty. By men thus tutored, it was long since resolved, that, whatever might be urged from the statutes, or from the customs of the kingdom, in defence of the rights of the subject, should be brought to their aid; and as to all doubtful points, on which so much misrule had been founded, it was determined to settle them by more explicit enactments. A slight review of our constitutional history was enough to convince the unprejudiced, that the control of the public purse belonged to the commons, and that the members of that house were supported alike by natural equity, and by the custom of parliament, in making the security of their rights, and the redress of grievances, a condition of granting supplies to the crown. Indeed, the popular party at this time were sufficiently aware, that their privileges had been secured by the wealth, as much as by the valour, of their predecessors. It was their determination, therefore, to protect the immunities which had been thus bequeathed to them: a few were, no doubt, solicitous that some addition should be made to this inheritance of freemen, before it should pass from their hands to those of their descendants.

CHAP. II.

PROCEEDINGS OF PARLIAMENT AT WESTMINSTER—AND AT OXFORD.

MEETING AT WESTMINSTER. — PROCEEDINGS AGAINST CATHOLICS — AND DR. MONTAGUE. — SUPPLY. — TONNAGE AND POUNDAGE. — ADJOURNMENT. — MEETING AT OXFORD. — THE COMMONS WITHHOLD SUPPLIES — QUESTION THE CONDUCT OF BUCKINGHAM. — CAUSES OF THIS POLICY. — AMOUNT OF THEIR SUPPLY. — ATTACK ON CADIZ — ITS FAILURE.

1625. Meeting at Westminster. June 21.

THE new parliament was no sooner assembled, than the commons appointed a day of fasting and prayer to precede their deliberations. They met, for this purpose, in St. Margaret's church, where each member was required to join in receiving the sacrament. The court, at this moment, was crowded with catholics, who were there in honour of the queen; and the presence of these strangers appears rather to have disturbed than chastened the devout feeling of the lower house. In addressing themselves to the business of the session, they drew up a petition, which called upon the king, by every solemn consideration, to put the laws against catholic recusants, and against the priestly emissaries of the pontiff, into fullest execution.*

Proceedings against catholics.

* A chapel was appropriated to the queen, in Somerset house, with apartments adjoining for her chaplains and a fraternity of Capuchin friars. These persons were imprudent enough to expose themselves in the streets, in their canonical habits, a boldness which served to strengthen

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The resentment of the puritans had been excited of late by some attacks upon them, and, insidiously, on the liberties of the country, from the pen of Dr. Montague, a court divine, who can hardly be called a protestant, and who had his reasons for describing the best friends of the protestant cause as a people "desiring an anarchy." The commons determined to humble the pride of this arrogant disputant. They placed him in the keeping of the serjeant-at-arms, charged with impugning the articles of the church, and with contempt of their house. The offender was one of his majesty's chaplains, and the affair would seem to have pertained less to the jurisdiction of the house of commons, than to that of the ecclesiastical courts, or, at most, to the ordinary courts of law. But such was not the custom of the age. Charles felt the interference, though, after some complaint, he deemed it prudent to smother his resentment, and the delinquent was obliged to find securities for his appearance to answer the charges produced against him.*

And Dr. Montague.

July 9.

the suspicions of the people as to the intended policy of the new king with respect to that party. "Henceforward," says Rushworth, "greater multitudes of seminary priests and jesuits repaired into England out of foreign parts."—I. 169, 171.

* "They attacked Montague," says Mr. Hume, "one of the king's chaplains, on account of a moderate book which he had lately published, and which, to their great disgust, saved virtuous catholics as well as other Christians from eternal torments." If the reader will merely glance at the authorities to which the historian refers on this point, he will, perhaps, be of a different opinion as to the purport of this moderate book. The object of Montague's humane and dispassionate production was to degrade the puritans generally, and to show, that the allegiance and the piety of catholics, and more especially of that party in the English church which symbolised with them, were alone worthy of the royal confidence and patronage. It may be true, that if such were the writer's opinion, he ought not to

1625.

On approaching the subject of finance, it was shown that the naval preparations alone had exhausted the sum of 300,000*l.* Two subsidies, however, which, together, would be about half that amount, was the extent of the supply which the house was at present disposed to vote for conducting the proposed war. Even the duties on merchandize at the ports, called tonnage and poundage, which, for about two centuries, had been granted to the crown, to be possessed during the life of the sovereign, were to be limited, in this instance, to a single year. That the king, on receiving intimation of these cautious proceedings, was both surprised and displeased, may be easily credited, and, perhaps, as easily forgiven. But he professed to receive the grant as a proof of the affection borne to him by his subjects, and all discussion relative to further aid was checked by the plague which raged at this time in the capital, and called for an immediate adjournment.*

Supply.

Tonnage and poundage

Adjournment.

About three weeks later, both houses were assembled at Oxford; but an untractable feeling was still manifested by the opponents of the court. The ministers stated, that less than two subsidies and two fifteenths would fail to render the government any adequate assistance. The country party

Meeting at Oxford, Aug. 1.

have been deemed a criminal for giving it publicity. But it is to be remembered, that the press was virtually in the hands of the court clergy, and that while their authority was employed to prevent the publication of works opposed to their taste, the popular party had scarcely any means of self-defence, except what was found in this doubtful practice of parliamentary interference in such cases. Charles injured himself greatly by becoming a party in this matter. Parl. Hist. Commons' Journals, *ubi supra.* Rushworth, 423. 176, 209, *et seq.* 423. Cabala, 156. Heylin's Laud, 126, 135, 137.

* Parl. Hist. 1—10.

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were reminded, that their present parsimony was strangely inconsistent with their late promise, to support the king with their lives and fortunes, should the treaty with Spain be abandoned.

The commons withhold supplies.

In return, it was observed, that, after so much had been said about war, the enemy, from some mysterious cause, remained undeclared, and that to themselves, as the representatives of the people, no redress of the grievances already submitted to the attention of government had been tendered, notwithstanding the serious amount of the claim that was preferred upon them. One fact also, which greatly affected them, was, that his majesty, regardless of his promise in their last meeting, concerning the enforcement of the laws against papists, had granted pardon to several catholic priests, who were found by those laws to be capital offenders. It was, moreover, urged to inquire,

Question the conduct of Buckingham.

"whether the duke brake not the match with Spain, out of spleen and malice to the conde Olivarez? Whether he made not the match with France upon harder terms? And whether the ships employed against Rochelle were not maintained with the subsidies given for the relief of the Palatinate?"

At this stage of the dispute, Buckingham judged it prudent to interfere, and, in a conference of both houses, he attempted the management of the several parties, by a professed explanation of the intentions and necessities of the government. But his zeal only served to show how difficult it is for the favourite of a prince to make himself an object of confidence with the people. His conduct, instead of aiding the monarch, brought down the

most alarming accusations upon himself; and it is hardly doubtful that his impeachment would have followed, without delay, had not the appearance of the plague at Oxford supplied the king with a pretext for dissolving the parliament. Aug. 12.

Causes of this policy.

It is evident, from the whole conduct of the commons, that there were causes which rendered the majority of that body unfavourable to a war which would have been highly popular at any period during the reign of James. How is this to be explained? The foreign relations of the kingdom presented no difficulty in the way of such an enterprise, which had not existed before the death of the late king. The popular feeling, also, with regard to Spain, was precisely what it had long been. In what manner can this altered policy be accounted for, except as arising from an unusual want of confidence, either in the integrity, or in the ability, of the government?

It was during the late recess, that an intrigue with France, hostile to the cause of the French protestants, became partially known. In prospect of the union between Charles and Henrietta, James had promised Louis the loan of some English vessels, to be employed against Spain in the Mediterranean. These vessels Richelieu endeavoured to press into a war against the protestants of Rochelle, and in this measure, aided by the determined interference of Charles and the duke, he succeeded. The English sailors, however, refused, with the exception of a single man, to fight against their protestant brethren, and, deserting the ships, returned home, giving out that to be hanged in England would be a less evil, than to take part in

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such a service. The news of these proceedings reached the parliament at Oxford, at the opening of the session, and could not fail to add much to its distrust of Charles, and its hostility to Buckingham. It was natural to ask, if they were to be thus duped into a war against protestantism, under the pretence of a war against its hereditary foe, the king of Spain? And whether large supplies should be intrusted to a government capable of making this perfidious use of the little force now at its command? This discovery concurred, with other circumstances, to render the "conditions" of the French treaty a topic of much painful conjecture.*

From proceedings at Oxford, it is also evident that the word of the king had become subject to suspicion, and that the old disaffection with regard to Buckingham, had only been checked for a while, to break forth with greater violence. It was known that to that man, and to the monarch, the conducting of the war must be virtually committed. Both were young, rash, and inexperienced; and could the most entire reliance have been placed on the sincerity of the prince, there was little of the capacity, and still less of the principle, to be recognized in the favourite, which might be fairly demanded of the person who should be allowed to have the blood and treasure, and, what was more, the honour, of three kingdoms at his disposal. War had not yet been declared, the intention of the public preparations had not been avowed, and Charles, without any loss of dignity, might have avoided a step which could not fail to

* Rushworth, 175, 176, 325, 326.

involve him in pecuniary difficulties, and, as a consequence, in dependence on the votes of a parliament. From all such dependence it was his great concern to escape, the thing being, in his apprehension, the most serious evil that could happen to royalty. The policy, however, which led inevitably to such a state of things, was that to which he now pertinaciously adhered. Much stress has been laid upon the strong language, in which such men as Coke had extolled the conduct of the duke in the preceding parliament. But some allowances are to be made for men, who found themselves suddenly and unexpectedly rescued from an alliance, against which they had protested in vain for so many years, and from which nothing but evil could have resulted to their country, or to Christendom. It soon, however, became evident, that the circumstances which made the occurrence of that rupture so grateful to the nation, were not among those which had influenced the conduct of Charles or Buckingham. The event, accordingly, continued to be regarded with pleasure, but as the nature of the affair became better known, the feeling of obligation died away.*

* "So riveted throughout the nation," says Mr. Hume, "were their prejudices with regard to Spanish deceit and falsehood, that very few of the commons would seem as yet to have been convinced that they had been seduced by Buckingham's narrative; a certain proof that a discovery of this nature was not, as is imagined by several historians, the cause of so sudden and surprising a variation in the measures of parliament." But when the man who had been credited as having acted, in this instance, upon a feeling of honourable patriotism, was indirectly charged with being actuated by splenetic and selfish motives, the reader will, perhaps, conclude, that there was abundant reason to suppose that a material change had taken place in the judgment of this affair. Mr. Hume adds, that "in all the debates which remain, not the least hint is ever given that any falsehood

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Amount of the supply by parliament.

That distrust of the cabinet which the country party had thus betrayed, was much increased by events which immediately followed. By a parliament, whose parsimony has been the theme of so much abuse, the almost unprecedented sum of nearly 500,000*l.* was voted, in prospect of a war which remained to be declared. As soon as that assembly was dismissed, Charles employed both authority and influence in making large additions to the treasure thus obtained.

Armament at Plymouth.

A formidable fleet ere long floated in the harbour of Plymouth; ten thousand soldiers were embarked; and it now became known that the foe to be assailed was the Spaniard, and Cadiz was said to be chosen as the point of attack. The troops, however, had scarcely pressed the soil of the enemy, when signs of insubordination were discovered, and the aged commander, to whose feeble management the expedition was intrusted, abandoned the enterprise in despair. From Cadiz the fleet was to proceed in search of a rich convoy,

Attack on Cadiz.

was suspected in the narrative" of Buckingham. To this it may be replied, that if this statement were strictly true, it should be considered in connexion with it, that we possess but very imperfect notices of the discussions of this parliament. The statement, however, is not true; for it is plain that the question respecting Olivarez had become sufficiently prominent in the unrecorded debates of that assembly, to call forth a formal answer from the duke in person. Mr. Hume further charges certain "party historians" with making the Spanish cabinet sincere or hypocritical, as may suit their purpose, when their object is to reproach the king, the prince, or the duke. It is not unworthy of remark, that if this sort of vacillation be the sign of a "party" writer, it will be found very strongly to characterise the later volumes of Mr. Hume's History. Even with respect to this war, when opposed by James, it was a scheme approaching to madness; when adopted and pertinaciously followed by Charles, it was an enterprise in which a young prince thirsting for glory should have been warmly supported!—Hume's Hist. VI. 217, and note T. Parl. Hist. 10—35. See also Brodie, II. 155, 156.

then on its way from the Spanish colonies. After an extended cruise, it was found that the enemy had passed under the concealment of the night, and the armament, from which Charles had anticipated so much brilliant achievement, and a harvest of wealth, returned without the slightest encounter with a foe, much enfeebled by sickness, and covered with a disgrace which the nation felt as its own. Such an occurrence would have called forth popular complaint at any time; but at such a juncture, it was especially mortifying and foreboding.*

1625. Its failure. Dec. 8.

* Rushworth, 195, 196. Rymer, XVIII. 181. Sidney Papers, II. 363. Cabala, 404—406. Whitlock, 2.

CHAP. III.

PROCEEDINGS OF THE KING'S SECOND PARLIAMENT.

IMPOLITIC MEASURE OF CHARLES WITH REGARD TO THE COMMONS — AND THE LORDS. — CONDUCT OF THE EARL OF BRISTOL. — IMPEACHMENT OF BUCKINGHAM. — PROCEEDINGS IN THE COMMONS. — SECOND IMPEACHMENT OF THE DUKE. — HIS DEFENCE. — THE MANAGERS COMMITTED TO THE TOWER — RELEASED. — THE DUKE ELECTED CHANCELLOR OF CAMBRIDGE. — PARLIAMENT DISSOLVED. — STATE OF THE DISPUTE BETWEEN THE KING AND THE COMMONS. — EMBARRASSMENTS OCCASIONED BY IT. — OBSTINACY OF THE MONARCH.

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THE wounded feeling which the tidings of these disasters had produced, was in no degree healed when the king assembled his second parliament. In prospect of this event, some pains had been taken to break the force of opposition in the upper house, and to lessen the number of the popular leaders in the commons. To accomplish the latter object, certain obnoxious members of the last parliament were nominated by the sovereign to serve as the sheriffs of counties. This was a method of disabling such persons from appearing in parliament. It was not a new expedient, but it was one which no prudent man would have advised at such a moment. It was attributed to the influence of Buckingham, and served to increase the resentment of his enemies. An effort to bring such an opponent as the earl of Pembroke into a state of

1626. Impolitic measure of Charles, with regard to the Commons.

Feb. 6.

partial submission, and the removal of such a person as the lord keeper, Williams, might be politic; but to compel such men as sir Edward Coke and sir Robert Philips to fill certain offices, for the evident purpose of unfitting them for bringing their talents to the support of the popular cause, could tend only to increase displeasure, and justify suspicion.* CHAP. III. 1626.

It was of the first importance to the king's interest that he should preserve the strictest amity with the upper house; and his conduct toward Pembroke, and some others, seemed to bespeak his solicitude as to the harmony of that assembly. But, in addition to the contests which were so soon renewed with the commons, his imprudence was to involve him in some angry discussions with the peers. Arundel, the earl marshal, was a nobleman possessing considerable influence in that assembly; he had six proxies at his command, and was known as the enemy of Buckingham. The removal of so formidable an antagonist was considered important, and a pretext happened to be at hand. A son of the earl had recently married a lady of royal blood, without obtaining the royal licence; and the king, availing himself of some arbitrary precedent, committed the father to the Tower. But the lords declared the imprisonment —and to the lords. March 14.

* The other members thus excluded were, sir Francis Seymour, sir Thomas Wentworth, sir Grey Palmer, sir William Fleetwood, and Edward Alford. Coke dared to question the legality of this proceeding, and became member for Norfolk. The commons said much about his case, and the court was much perplexed with it; but it ended in a sort of compromise—sir Edward did not take his seat, but retained the privileges of those who did.—Parl. Hist. 44—46. Lingard, IX. 341.

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of Arundel, during the sitting of parliament, to be an encroachment on their privileges; and it was not until the controversy, thus imprudently provoked, had been protracted, with still greater imprudence, over three months, that the earl marshal was allowed to resume his place.* During all this time, the business of the house was stationary; and, such was the feeling which the discussion had produced, that, on Arundel's re-appearance, the grave decorum of the upper house gave way to loud acclamations.

July 8.

Couduct of the earl of Bristol.

But there was another nobleman, whose appearance in parliament was still more dreaded. His temper was intrepid; he was known to have sustained considerable injuries from the present cabinet; and, what was much more alarming, the secrets of which he was possessed, were such as might deeply affect the character of the favourite, and reach to that of Charles himself. This was the earl of Bristol. To his management the negotiations respecting the Infanta were committed, until Buckingham's appearance at Madrid; and he remained in that capital, a close observer of events, subsequent to that time. Two parliaments had been convened since his return to England, and though custom required that a writ should be sent, on all such occasions, to every peer, none was addressed to the earl of Bristol. During two years, indeed, he had been little better than a prisoner; and to be on terms of the most distant intercourse with him, was to fall under the displeasure of the

* Parl. Hist. 125—132. The notices of this dispute are scattered through more than a hundred pages of the Lords' Journals, 526, *et seq.*

court. He now ventured to complain, in an address to the house of lords, that he should have been so long debarred of his privilege, or rather of his right, as a member of their body. No doubt could exist as to the injustice of the omission adverted to, and Charles deemed it necessary to issue the usual writ of summons. But with the constitutional document which required the earl's presence in the national council, was a private letter from the king, which forbade his appearance. CHAP. III. 1626.

This letter Bristol dared to submit to the inspection of the house, soliciting advice as to the best mode of proceeding, in a case which affected the right of every other peer, no less than his own. With this request he also coupled a demand of liberty to appear in his place, for the purpose of accusing the duke of Buckingham of high crimes and misdemeanours. This bold language was not to be heard without alarm by the king or the duke; and the latter strove to parry the thrust of his adversary, by charging him, before the same assembly, with the guilt of treason. The lords, however, determined, that the case of the person first accused, should be first disposed of, and also that the charge preferred against Bristol should not be allowed to prejudice his testimony with regard to Buckingham. The favourite was accordingly accused of conspiring with Gondomar, the Spanish ambassador, to produce a false impression on the mind of Charles, in relation to Spain, that he might be induced to visit that kingdom, and that, before his marriage, he might be prevailed with to renounce his protestant creed. He was also charged

Impeachment of Buckingham, June 20. May 1.

CHAP. III. 1626.

with having been so openly dissolute, while resident at Madrid, as to render himself a disgrace to his country — the disgust thus excited in the Spanish cabinet being such, that the ministers of Philip refused to treat with him. His subsequent opposition to the Spanish treaty was described as arising purely from the aversion thus occasioned and expressed, and to accomplish his purpose after his return, he is said to have been utterly regardless of truth and honour, and to have wilfully deceived both the sovereign and the nation.

Bristol, in his turn, was charged with having represented Spain as sincere, when it was not so; with having indirectly consented to the prince's adoption of a popish creed; with having exceeded his instructions, in his zeal to facilitate the marriage, and with having asserted a matter to be false, which he knew the king had declared to be true.

To these charges Bristol returned a speedy answer, which was inserted in the journal of the house; it satisfied his judges, and has been generally considered a sufficient vindication of his conduct. That journal, however, contains no such explanation of the conduct of Buckingham, and the omission has been regarded as suspicious.*

Proceedings in the commons.

But the thoughts of the duke were now called in another direction. Passing events had taught him, that whatever his influence might be at the council table, the house of lords was not to be moulded at his pleasure; and he was not insensible, that his opponents in the commons were still

* Lords' Journals, 537—578. Sidney Papers, II. 360—364.

more numerous and determined. He knew also, that, at this moment, the leading spirits of the lower house were sedulously occupied in marshalling their forces to accomplish his ruin.

A committee had been there appointed to report on the state of religion, and they had called loudly for more zealous efforts to diminish the influence of popery, especially as it was becoming daily more evident within the pale of the established church.* The committees employed in detecting secular grievances, and in devising remedies, complained of the evils of purveyance, and of unlawful impositions. They censured the lord treasurer, as collecting the impost called tonnage and poundage, without the sanction of parliament; and adverted to various other practices, which they describe as abuses. Charles became weary of the delay occasioned by discussions and inquiries on such matters, and admonished the house that his wants were pressing. Three subsidies, and three fifteenths, making about three hundred thousand pounds, were promised; but much as the king would have been relieved by so liberal a supply, it was rejected the moment a redress of grievances was named as the condition of obtaining it. The commons were now told, that they were forthwith to vote the sum mentioned; that they were to add to it; and that they were to do this without the degrading appendage of a prescribed condition, or it would,

* Sir Benjamin Rudyard complained that care was not taken with respect to "scandalous ministers;" two of this class, in Lancashire, he knew to be keepers of "unlicensed alehouses."—Parl. Hist. 45.

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ere long, "be worse for themselves." Such was the language of the sovereign, and after several repetitions of it on the part of ministers, the promise of another subsidy was obtained.

Second impeachment of the duke.

But before the bill, which would have placed about four hundred thousand pounds at the king's disposal, had passed, it became the resolve of a numerous party to impeach the duke, as the principal cause of the misrule, which, as they contended, had long afflicted the nation. Charles was apprised of their intention before it became public, and informed them, by a message, that none of his servants were to be questioned by them, much less such as were near his person. But the impeachment of Bacon and Middlesex were too recent to be forgotten, and this attempt to elude the force of those valuable precedents, operated as a stimulus to the zeal of the patriots. It was in the face of the most haughty reprimands from the sovereign, that they continued to discuss the subject, and voted, that in all such cases, common fame was a sufficient ground to proceed upon. Before the monarch, who had recently told them that their existence as a legislative assembly was purely a matter of royal sufferance, they dared to assert it as "the ancient, constant, and undoubted, right, and usage, of parliaments, to question and complain of all persons, of what degree soever, found dangerous to the commonwealth, in abusing the power and trust committed to them by their sovereign." Buckingham was accordingly impeached, in a series of articles, the principal of which related to his uniting

May 8.

in himself, and frequently purchasing, the most lucrative offices; to his having seized a French ship for his own gain, and thereby provoked the king of France to make severe reprisals on English traders; to his having obtained ten thousand pounds, by illegal means, from the East India company; and to his having compelled English ships to serve, under the French flag, against the Hugonots.

His defence. June 8.

To these, and some minor charges, the duke replied, by showing, that some of them were founded in mistake, and that others related to acts, which, if unconstitutional, were more those of the judges, or of the monarch, than his own. To the charge of aiding to crush the French protestants, he declined giving any direct reply, observing, that it would be easy for him to vindicate himself on that point, were there not reasons of state which forbade his attempting it. His general conduct had no doubt merited the resentment of his accusers; but his defence made an impression in his favour which it would require some ingenuity to efface.

The house had entrusted the impeachment to the skill of several members, who were called managers, and among whom were sir John Eliot, and sir Dudley Digges. The first was a patriot of extraordinary worth, and the second, though a more blemished character, was capable hitherto of suffering in the

* Parl. Hist. II. 72—190. Commons' Journal, Feb. 15, to June 8. Rushworth, 218—230. The duke remarked, on the affair of the loan ships, that their being employed against any other foe than the state of Genoa, was contrary to his intention, and to be attributed to the treachery of the French king—a statement which he knew to be false.—Lingard, IX. 353, 354.

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1626.

The managers committed to the tower. May 11.

same cause. In the midst of the investigation, both were committed to the tower, under the charge of having intimated that Charles had conspired with the duke to shorten the days of the late king. The truth was, that, in the course of the trial, it was affirmed that Buckingham had given James medicine during his last sickness, without consulting his physicians. This many of the lords declared was the sum of the statement made in

May 19. their hearing. The commons refused to proceed to business, until the imprisoned members were liberated, and the king, professing himself mistaken,

Released. allowed them to return to their place.

The duke elected chancellor of Cambridge.

But if Charles could thus subdue his obstinacy in some instances, he indulged it in more. It was while the duke lay under this double impeachment, first from the earl of Bristol, and, secondly, from the house of commons, that the authority of the sovereign was employed to procure his election to the vacant office of chancellor in the

May 28 university of Cambridge. The attempt gave rise to a spirited contest among that body, which was maintained chiefly by the younger members, and the majority of three only decided the struggle in favour of the man obtruded upon them by

June 1. the crown. The popular party, in both houses, watched these proceedings with indignation, and the commons voted the affair to be an insult wantonly cast on the feelings and measures of parliament.*

June 11. They were preparing their reply to the duke's defence, when they became aware of the king's

* Ellis's Original Letters, 228—275. Biblioth. Regia, 235, 236. Commons' Journals, June 5—7. Parl. Hist. 164, 165, 166.

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intention to dissolve the house. They would have remonstrated, but they were not to be heard; and when even the lords entreated that so important a measure should be delayed, at least, for a few days, the answer of Charles was, "not for a minute."*

1626. June 15. Parliament dissolved.

The affairs of the English monarch, at this juncture, included many difficulties, and there was room to fear that they would lead to others still more serious. These difficulties rose in part from the circumstances and temper of the nation; but the chief source of embarrassment was found in the defects which marked the personal character of the sovereign.

State of the dispute between the king and the commons.

The king is represented, when dismissing his second parliament, as surprised at the fickleness, and indignant at the perfidy, of his subjects. The duke, who, not long since, was their idol, had become their abhorrence, and without any apparent cause; and as to the war with Spain, it was evident that they had inveigled him into it, purely as a source of expense, and in the hope of thereby reducing him to a dependence on their will, that they might deprive him of his power.† But take what is fictitious away from such statements, and what is true will be found to go in a small space. Buckingham was never the idol of the English people, nor could any discerning man expect, for a moment, that he would ever become such.‡ That

* The parliament was no sooner dissolved, than Bristol was committed to the tower, and Arundel was placed under restraint.—Lords' Journals, 592, *et seq.*

† Hume, C. L.

‡ It was in the following style that Buckingham wrote to James, during

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occasional coincidence of his policy with the sympathies of the people, which occurred in the case of the treaty with Spain, might produce a transient suspension of hostility, but there was nothing permanent in the character of the favourite, or in that of the nation, which did not, as soon as they were viewed together, prognosticate discord. With respect to the Spanish war, the last parliament, under James, may be liable to censure, in recommending a measure so little desirable, and by no means necessary as a consequence of terminating the negotiations respecting the Infanta. But the first parliament under the new sovereign, had faithfully apprised the government of their reluctance to encourage hostilities, and of the only conditions on which they were to be prevailed with to do so; and it should be

this short day of popularity: "The least I can say is this, that I naturally so love your person, and upon so good experience and knowledge, adore all your other parts, which are more than ever one man had, that were not only all your people, but all the world beside, set together on one side, and you alone on the other, I should, to obey and please you, displease—nay, despise all them; and this shall be ever my popularity."—Dalrymple's Memorials, I. 172. The following list, including some of the titles and offices conferred on this minion, may be amusing, and will help to account for his unpopularity in the senate and through the nation:—Duke, Marquis, and Earl of Buckingham, Earl of Coventry, Viscount Villiers, Baron of Whaddon, Great Admiral of England and Ireland, General-Governor of the Seas and Ships of the same, Lieutenant-General Admiral, Captain-General, and Governor of His Majesty's Fleet and Army, &c.; Master of the Horse, Lord Warden, Chancellor and Admiral of the Cinque Ports, Constable of Dover Castle, Justice in Eyre of the Forests of Chases on this side the Trent; Constable of the Castle of Windsor, Knight of the Garter, Privy Councillor, &c. &c. &c. It should be stated that the duke's reply to the impeachment from the commons was not his own production. It came from the pen of sir Nicholas Hyde, afterwards lord Clarendon, and procured him the office of chief justice. Buckingham's rapacity was evidently equal to his sycophancy and his love of office. See Rushworth, I. 349. Brodie, II. 122, 123.

noticed, as a leading fact, that this was done before war had been declared, and before any proper occasion of declaring it had arisen. Since that period, the king had chosen to commit himself, by becoming the aggressor in the affair of Cadiz, and, notwithstanding the disgrace, and the new embarrassments, incurred by the total failure of that enterprise, no redress of the evils of the state was to be sought, while larger demands were made upon the resources of the country than had ever been submitted to an English parliament.

Embarrassments occasioned by it.

The king had now before him an exhausted exchequer, and an expensive war, and, having dismissed the representatives of the people, was destitute of all legal means of supplying his wants. The Spanish monarchy, however, was rapidly declining. To this fact, the court of Madrid, with all its pride, could not be insensible; and it is in every view probable, that peace might have been restored at this crisis, with little difficulty—an event which the interests of the English sovereign seemed imperiously to demand.

Obstinacy of the monarch

But it was no secret, either at home or abroad, that, settled as was the enmity between the two nations, the war with Spain was now much more that of the king than of his people; and as every thing like dependence on the subject, was, in the creed of Charles, a disgrace to the monarch, the prosecution of this contest became intimately connected with a feeling of pride — the more important, the more it was opposed. This unhappy prepossession seemed to strengthen the

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king's natural obstinacy, and he accordingly determined to strain his prerogative, as far as it might be done with apparent safety, that the supplies withholden by parliament might be otherwise obtained. We are assured, indeed, that the conduct of that assembly appeared to him as little short of a conspiracy to deprive him of his rights as a sovereign. It is difficult, however, to conceive how this could be, when, with the exception of limiting their grant of the revenue arising from tonnage and poundage to a single year, nothing had been done, since the king's accession, which had not been the practice of such assemblies during the reign of James, and scarcely any thing for which much older precedents might not have been pleaded.

Moderate men might, in some instances, have suggested an abatement of the claims preferred by the commons, or rather might have recommended their seeking a more gradual removal of disorders, which had risen gradually, making a selection, for the present, from the multitude of existing grievances, of such as were most pressing. But the same class of persons could not fail to admit, that a king, who evidently scorned the prayer of his subjects, ought not to calculate on being greatly beloved by them, or to expect an implicit obedience from them. Were it certain that the patriots might have accomplished more, if they had attempted less, it surely is not less certain that the monarch who refused to hear them in any thing, except when tendering him their substance, could not reasonably expect that any great sacrifices of that

sort should be made in his favour. The advocates of the people, whom it was considered proper to treat thus distantly and haughtily, may have passed the bounds of prudence, in one or two instances of their proceedings; but it is questionable whether, in a single instance, they had passed the bounds of constitutional right; and their seemingly unmanageable feeling should by no means be judged of apart from the temper with which they had to contend—a temper that bespoke nothing but faithlessness and enmity with regard to those liberties, which to themselves were dearer than existence. To determine that nothing shall be granted, because too much is required, may be very common, and may sometimes be very foolish—Charles and his advisers should have known this.

CHAP. IV.

PROCEEDINGS FROM THE DISSOLUTION OF THE KING'S SECOND PARLIAMENT TO THE MEETING OF THE THIRD.

EXPEDIENTS TO RAISE MONEY.—A GENERAL LOAN.—PRIVATE INSTRUCTION TO THE COMMISSIONERS.—PUNISHMENT OF THE PERSONS RESISTING IT.—CASE OF SIR THOMAS DARNEL—SIR JOHN CORBET, AND OTHERS.—ARGUMENT OF THE POPULAR ADVOCATES.—DECISION OF THE JUDGES.—EFFECT OF THESE PROCEEDINGS.—WAR WITH FRANCE—ITS ORIGIN.—EXPEDITION TO ROCHELLE—ITS FAILURE.—PERPLEXITIES OF GOVERNMENT.—CHARLES DISSATISFIED.—EFFECT OF HIS PROCEEDINGS ON THE TEMPER OF THE NEW PARLIAMENT.

CHAP. IV. 1626. Expedients to raise money.

THE single year, to which the commons had limited their vote respecting the duties at the ports, was now closed. Those imposts, however, continued to be levied. This was done on the assumption that the commons would have issued their consent, as a matter of course, had not the sudden dissolving of that assembly prevented it, and not upon the plea that their vote on the subject had been rejected by the lords, on account of the novel limitation which was attached to it. Several measures were also adopted, to increase the value of the crown lands, and by means of leases and compositions, to obtain some assistance in the present exigency from that source. The fines imposed on catholic recusants were more strictly enforced, and rendered more productive. Privy seals, by which

the sovereign required the loan of money from the nobility, and the more opulent commoners, had been sent forth on the dissolution of the last parliament, and the same expedient was now resumed. The sum of 120,000*l.* was specified as to be supplied by the city of London. But the citizens hesitated, and at length refused. The mention of the demand also, in other instances, created discontent, and was censured as an infringement of the statute against benevolencies, upon which so much complaint had been previously founded. Several of the sea-ports were compelled to provide a certain number of vessels, as means of protecting the trade of the country. The lord-lieutenants were likewise instructed to train the militia of their respective counties, and to be prepared to exert themselves in preserving the tranquillity of the kingdom, or in defending it in case of invasion. The subsidies and fifteenths, which the late parliament had voted, were not legally within the reach of the monarch, as they had not passed into a bill. An attempt was made to collect them, notwithstanding that defect; but the scheme, though tried in the most favourable quarters, was so decidedly opposed, that it was considered prudent to abandon it.*

Such were the plans which engaged the attention of the king and his ministers, during the six months which followed the dissolution of the last parliament; and as the preparations for hostilities were continued, it is scarcely necessary to add,

* Rushworth, 413—417. Rymer, 730. *et seq.*

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that the embarrassments of the crown increased during the whole of that interval. Of late, its difficulties had been seriously augmented by the defeat and the losses of the allies of England, under command of the king of Denmark. The imperialists had driven the friends of the unfortunate elector Palatine across the Elbe; the whole of Lower Saxony was exposed to their ravages; and that noble edifice which the genius of Luther had reared within the states of Germany, was believed to be menaced with destruction. By the more zealous protestants in this country, these events were viewed with sorrow and alarm, and Charles resolved to avail himself of this passing feeling.

Feb. 5.

An extended proclamation was issued, stating the good intentions, and some of the perplexities of the government, and urging the necessity of obtaining a large and speedy supply of money. To have obtained the assistance required through the medium of parliament, would, it was admitted, have been more desirable, but it was stated, that the time necessarily consumed by such a process, did not comport with the exigencies of the moment. The plan proposed was that of a forced loan. The rate of the last subsidy was to determine the amount of each man's property, and the proportion of the present assessment was to be about four subsidies in amount. It was carefully stated, however, that the money so raised was not to be considered as a tax, but purely as a loan, and to be repaid from the next parliamentary supply. Much confidence was expressed in the zeal of the clergy, as the defenders of protestantism,

A general loan.

and the patrons of loyalty. But the dissatisfied feeling of the people was not to be allayed by the spiritual authority of their pastors, nor by the condescending language of the sovereign.

Private instruction to the commissioners.

The commissioners chosen to manage this dangerous experiment were privately instructed to treat with each man alone; to insist, in all cases, on the prescribed sum; to examine such as should refuse on oath; to demand a statement of the motives of their disobedience, and the names of their advisers; to enjoin the strictest secresy on the persons delivering any such information; and to make a full report to the privy council, concerning all obstinate and offending parties.

Punishment of the persons resisting it.

Such of the humbler classes as proved refractory were compelled to serve in the army or the navy; while their wealthier neighbours were called before the council table, and from that inquisitorial tribunal were frequently conducted to some distant prison. "Charles," it is observed, "refused to show any indulgence. It had been repeatedly said that he was governed by Buckingham; now that the favourite was absent, he was resolved to prove by acts of rigour, or rather of despotism, that he had a will of his own, and was not of that easy and ductile disposition which had been attributed to him by his opponents."*

Among the persons whose resistance of these

* Lingard, IX. 358. Rushworth, 417—426. Parl. Hist. 207, 208, 245, 246, 257, 258. Bibliotheca Regia, 298—305. These last pages include the king's letter to the bishops, and that of the primate to the same parties, calling upon them to employ their example and authority, that the clergy might, "in their *preachings* and *private conferences*, stir up all sorts of people to express their zeal to God and duty to the king."

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1626. Case of sir Thomas Darnel, sir John Corbet, and others.

measures had exposed them to imprisonment, and who refused to solicit that liberty as a favour, which it behoved them to claim as a right, were sir Thomas Darnel, sir John Corbet, sir Walter Earl, sir John Heveningham, and sir Edward Hampden. These gentlemen dared to sue the court of king's bench for their writ of habeas corpus. It appeared that their commitment was without any assignment of their offence, and their detention simply by order of the king and council. This, it was contended, was not legally sufficient, and the counsel for the prisoners demanded their release, or, at least, that they should be admitted to bail. But the court refused to admit the exception, and the knights were returned to their several prisons. This, however, was not done until the right of government to imprison Englishmen at its pleasure, was examined more closely and freely than it had hitherto been; nor until the nation had become the subject of impressions in relation to it which nothing since has been allowed to efface, and to which we are greatly indebted for the more certain possession of what may, perhaps, be described as our most valuable immunity.

Argument of the popular advocates.

Noy and Selden distinguished themselves among the lawyers who interposed for the liberty of the subject. Heath, the attorney-general, laboured to support the pretensions of the crown. It was not denied that the members of the council, in virtue of their general office, as magistrates, might order individuals charged with a criminal offence into custody. But it was argued, that in common

with other magistrates, they were bound to assign a lawful cause for such commitment, that the proper authorities might thereby determine whether the parties so committed, should be released, admitted to bail, or remanded. If this were not the law, it followed that the servants of the crown might deprive any man of his liberty purely at their pleasure, and that they might continue to deprive him of it through any length of time. Several statutes were accordingly cited, both before the reign of Edward the third, and subsequently, all clearly designed to prevent the arbitrary detention of the subject, and all founded on the general provision of Magna Charta, which declared that "no free man should be taken or imprisoned, except by lawful judgment of his peers, or the law of the land." It was not pretended that the regular indictment of an accused party must precede his being placed in custody, but simply that he should not be detained beyond a reasonable time without a warrant of commitment, stating the cause of such detention. It was shown, also, that no command of the king, in whatever manner issued, could justify the imprisonment of a subject, the only authority for such an act, recognized by the constitution, being the seal of a court. Many precedents were adduced from the Tudor reigns, showing that persons imprisoned by the privy council, or by the special mandate of the sovereign, on suing for their writs, obtained them, and on producing them were set at liberty or bailed. It was remarked, however, that the question was not one that should rest on precedent, "but upon

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the fundamental laws and statutes of the realm, and though the precedents look one way or the other, they are to be brought back unto the laws by which the kingdom is governed." This appeal to the law was thus distinctly made from a conviction that justice and policy required that the controversy should be made to rest chiefly on that ground.

To the legal arguments of the advocates of liberty the attorney-general had nothing to offer deserving the name of reply. But to the series of enactments produced by his opponents it was not difficult to oppose a series of facts presenting frequent and gross violations of them. The reasoning usually employed to support despotic power was very largely introduced to justify those contempts of law on the part of the crown, which had generally marked the ebbings of popular influence. But no monarch had ever dared attempt a rescinding of the generous securities which the patriotism of former ages had rendered the birthright of the people, and the voice of the nation demanded that these provisions should not only be preserved uninjured, but be duly acted upon.

Decision of the judges.

For the present, however, this demand was preferred in vain. By a decision of the judges, and a decision arrived at with much deliberation, Englishmen were told that whatever their ancestors had done to secure their personal freedom, was a matter to be regarded or overlooked, as may best appear to the monarch and his council. They were even to bear it in mind, that should they withhold their money when

required by the government, however illegally, and however exorbitant the demand, there was a power inherent in the crown which authorised the sovereign to punish their disobedience with indefinite imprisonment, nor could the constitution afford them the least redress!

Nor was imprisonment the only mode of punishment to be resorted to in such cases. Sir Peter Hayman, refusing to become a party to this obnoxious loan, was compelled to perform an errand to the Palatinate; the distinguished lawyer, Glanvill, was obliged to accept an office in the navy; and many of the people who had ventured to imitate these examples, were subject to much cost and annoyance from having the soldiers who returned from the Cadiz expedition quartered upon them, in the place of their being billeted in the houses of publicans.*

Effect of these proceedings.

The discontent excited by these proceedings was not confined to the puritan or to the patriot parties, but extended to the nation, with the exception of a few unprincipled courtiers, and a small body of ecclesiastics, equally worthless. The precedents adduced to justify such exercises of power, were all seen to be more or less inapplicable. They were irregularities which resulted generally from exigencies to which no parallel could be shown in the present circumstances of the kingdom. In the worst times they were as exceptions to the usual temper of the government, while the point now evidently meditated was to convert them into

* State Trials, III. 1—234. Parl. Hist. 245, 246, 257, 258. Rushworth, I. 458—462. Hallam, I. 414—418.

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the rule. It was the substitution of a systematic in the place of an occasional tyranny; a change which none, except the weak or the dishonest, could regard for a moment without serious indignation and alarm.

War with France.

It is at this crisis, however, while the king is reduced to the greatest perplexity, as the consequence of these irritating and foreboding measures, and as the natural effect of the war with Spain, that hostilities are devised against France. Charles had betrayed a singular degree of weakness and obstinacy in assailing the privileges of the house of lords, at a moment when the aid of that assembly could alone render him successful in his disputes with the commons. But to be so far unmindful of the fact, that the assistance of France could alone enable him to triumph over the enmity of Spain, as to challenge both powers to the trial of their strength against him, was an instance of infatuation still more marvellous. Spain, when conducting her hostilities alone, had baffled all his schemes, and covered him with disgrace; and now the energies of the French monarchy were to be provoked, though the sinews of war had become fearfully relaxed rather than strengthened.

Its origin.

Several historians agree in attributing this strange measure to the influence of Buckingham. During a visit to Paris, for the purpose of conducting Henrietta to England, the duke had received the most flattering attention from the court of Louis. The scenes of gaiety prepared in honour of the royal nuptials, were more suited to his taste and capacity than the policy of nations. The favourite

of two sovereigns, and the admiration of the most accomplished females in the most polished court of Europe, Buckingham dared to cherish a romantic passion for the queen herself, the youthful Anne of Austria, and he even indulged the hope that the guilty feeling was reciprocal. But his conduct was marked; his subsequent intention to visit the French capital was checked by a message from Louis, which forbade his approach; and the splendid libertine swore that he would see the queen again in spite of all the power of France. From this period he became concerned to produce hostilities between the two crowns, whether from a feeling of resentment merely, or from the hope of being allowed to revisit the French court in the capacity of ambassador, is uncertain. He first prevailed on Charles to dismiss a number of the queen's attendants, contrary to the articles of the marriage treaty. He next employed his authority, as lord admiral, in seizing many French vessels, under the pretence of their containing Spanish property; and at length appeared before Rochelle, with a fleet of 1627. a hundred sail, bearing an army of seven thousand men.

It will not be supposed, however, that even the influence of Buckingham could have prevailed to this extent, without the aid of some predisposing causes. These were in existence. The queen's household, including many catholic priests, had affected an insolent independence of the English monarch. Charles remonstrated, but Henrietta sided with her dependents, and these, when dismissed, filled the circles of Paris with their

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complaints of English perfidy, while the enemies of Richelieu ceased not to urge upon Buckingham the importance of endeavouring to counteract the plans of that minister with regard to the Hugonots. It was hoped, also, both by Charles and the favourite, that this appearance of zeal for the protestant interest would be a popular movement.

Expedition to Rochelle. July 11.

Rochelle was the centre of the Hugonot power, and it was known that Richelieu, the certain, if not the avowed, enemy of Buckingham, had made the suppression of protestantism in that kingdom, a leading object in his profound policy. Beside which, there were certain treaties made by the French government with the churches of the protestant union, and made with the interference of the English monarch, the provisions of which, it appears, had not been strictly observed; and Charles professed to consider himself bound in honour to insist on their due execution. But to the sufferers in that kingdom the wisdom of the proposed enterprise was doubtful, and their reluctant concurrence was followed by scenes of the severest suffering, and by the ultimate prostration of their cause. Buckingham, after many losses, and after giving much lamentable proof of incapacity as an admiral and a soldier, returned to England, subject to every degrading accusation, except that of cowardice.*

Its failure.

Perplexities of the government.

By the English sovereign, however, the duke was received with expressions of unabated affection, and promises of speedy and vigorous assistance were made, to animate the expiring hopes of the

* Rushworth, 423—428, 462—466. Lingard, IX. 358—370.

Rochellois. But how to carry such promises into effect, remained to perplex the king and his council. A parliament was mentioned, but Charles professed to "abominate the name." And when other expedients were contemplated, it appeared that their gains would not be considerable, while their effect on the feeling of the nation would be increased resentment—possibly rebellion. The king at length consented that the national council should be once more convened.

A parliament summoned. Jan. 18.

Yet a few days only had passed, after issuing the writs for that purpose, when a commission was formed, including the principal officers of the crown, the business of which was to devise plans for procuring a supply of money without the aid of parliament, "bearing in mind, that form and circumstances must be dispensed with, rather than the substance be lost or hazarded." It was ascertained that somewhat less than 200,000*l.* would defray the expense of the new expedition, and it was thought possible to obtain that amount from the several counties, by dividing it among them in equitable proportions. The scheme was published without loss of time; and it was stated, that a prompt compliance would induce the king to meet the approaching parliament, a refusal would compel him to adopt some more speedy way of supplying his wants. This alternative it was not difficult to comprehend, but the chief effect of announcing it was to render the measure itself still more obnoxious. The expressions of indignation which followed were such, and so general, that the commissioners, though more than thirty in number,

Dissatisfied feeling of the king. Jan. 29.

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1628. Feb. 16. gladly availed themselves of a counter proclamation, to resign their new authority. This bubble was scarcely broken, when another appeared. The king began to lay new duties on certain articles of merchandise, and when the judges shrunk from

Feb. 28. the responsibility of declaring the proceeding legal, his instructions were recalled.*

Its effect on the temper of the new parliament.

If these measures betrayed a temper incurably despotic, they also betrayed a weakness, that would do much toward rendering it harmless. For it must not be forgotten, that these were measures resorted to, between the calling of a parliament, and the day of its meeting. The meeting of the king's third parliament, accordingly, was at a moment when its patriotic members had become painfully sensible that no security was to be expected from the personal inclinations of the monarch, and that every thing must depend upon their efforts to place the dominion of the laws upon a footing to which the means of encroachment possessed by the crown should not extend.

* Somers' Tracts, IV. 100—104. Rymer, XVIII. 967. Bibliotheca Regia, 293, 294. Rushworth, 474, 614, *et seq.* There was, at this time, an unusual military force in the kingdom, which had excited much suspicion as to the king's intentions. But a plan was now formed to introduce a body of mercenary troops from Germany—a measure which soon became known to the patriots, and added much to their jealousies and complaints in the ensuing parliament. The sum expended by Charles for this object was 30,000*l.* which was to provide a thousand cavalry, and arms for a much larger body of infantry. Mention is made of five thousand corslets, and five thousand pikes. The monarch could not be ignorant that this was the kind of argument which had subdued parliaments on the continent, and for what other object could it have been resorted to in this case? The patriots of 1628 were not ignorant of these devices, and, to their immortal honour, they were resolved, at every personal hazard, to provide against them.

CHAP. V.

PROCEEDINGS OF THE KING'S THIRD PARLIAMENT.

CONCILIATORY MEASURES OF THE COURT.—MENACING ADDRESS OF THE KING — AND OF THE LORD KEEPER. — DIFFICULT CIRCUMSTANCES OF THE PATRIOTS. — TONE OF THEIR SPEECHES. — THE PETITION OF RIGHT. — ITS CONTENTS. — CHARLES HESITATES TO CONFIRM IT — CONSULTS THE JUDGES—HIS EVASIVE REPLY—GRANTS HIS ASSENT.— QUESTION OF TONNAGE AND POUNDAGE RENEWED. — MEDITATED ATTACK ON BUCKINGHAM. — PARLIAMENT PROROGUED. — EFFECT OF THIS SESSION ON THE LIBERTIES OF THE COUNTRY.—FALL OF ROCHELLE.— ASSASSINATION OF BUCKINGHAM.— DISCUSSION RESPECTING TONNAGE AND POUNDAGE. — DUPLICITY OF CHARLES RESPECTING THE PETITION OF RIGHT. — PROTEST OF THE COMMONS. — DISSOLUTION OF PARLIAMENT.

CHAP. V.

1628. Conciliatory measures of the court.

CHARLES, on finding himself obliged to anticipate the assembling of a parliament, became concerned that something should be done to allay the irritated feeling of his subjects. Archbishop Abbot, whose popularity had rendered him unacceptable at court, and who had been unjustly suspended from his functions, was restored.* Williams, the late lord keeper, was released from the tower, together with the earl of Bristol; and seventy-eight

* Sibthorpe, vicar of Brackley, not only obeyed the injunction of the king and of his ecclesiastical superiors, in preaching up the loan exacted by the government, but urged compliance with it on principles subversive of the fundamental laws of the constitution. Abbot refused to license his discourse, and for this was suspended from his functions. It was taken to Laud, then bishop of London, "who gave a great and stately allowance of it."—Rushworth, I. 434—451.

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knights, gentlemen, and others, whose opposition to the recent loan had been punished with imprisonment or restraint, were indebted to the same policy for their liberation!*

Menacing address of the king. March 17.

If the patriots were capable of regarding these occurrences as the indications of an altered temper in the court, the speech from the throne appeared to be framed for the purpose of dissipating every such illusion. "I have called you together," said the king, "judging a parliament to be the ancient, speediest, and best way to give such supply, as to secure ourselves, and save our friends from imminent ruin. Every man must now do according to his conscience, wherefore if you, which God forbid, should not do your duties, in contributing what this state at this time needs, I must, in discharge of my conscience, use those other means which God hath put into mine hands, to save that which the follies of other men may otherwise hazard to lose. Take not this as a threatening, (I scorn to threaten any but my equals,) but as an admonition from him, that both out of nature and duty, hath most care of your preservation and prosperities."

And of the lord keeper.

The lord keeper, in further expressing the will of the sovereign, observed "This way of parliamentary supplies, as his majesty told you, he hath chosen not as the only way, but as the fittest; not because he is destitute of others, but because it is most agreeable to the goodness of his own most

* More than half the number were "knights, esquires, or gentlemen," the remainer were called "Londoners," and had been variously committed to the New Prison, the Marshalsea, and the Gate House.—Rushworth, 473.

gracious disposition, and to the desire and weal of his people. If this be deferred, necessity and the sword of the enemy make way for others. Remember his majesty's admonition! I say, remember it."*

Difficult circumstances of the patriots.

The house, to which this significant language was addressed, included most of the persons who had distinguished themselves as the advocates of popular rights in preceding parliaments. The feeling of the people also was further expressed at this time by adding to the ranks of their old representatives many of those gentlemen, who, as the consequence of resisting the late illegal measures, had been subject to restraints by order of the king. From the language of the monarch and of the lord keeper, it was evident that the house had been allowed to assemble from necessity only; that the king's dislike of those methods of government which the constitution prescribed was undiminished; and that, desperate as such a step must prove, it was probable, that on the slightest pretext, the parliament would be abruptly dissolved, and the most despotic enterprises attempted. Properly to meet such a state of affairs, required a union of firmness and discretion which is not often found in popular assemblies.

Tone of the speeches.

The house rang with complaints of grievances, especially of those which had afflicted the nation during the last twelve months. But the members evidently felt the danger which pressed them on either side, and there was a cautious wisdom observable even in their boldest utterances. Sir

* Parl. Hist. 218. *et seq.*

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Francis Seymour said, "He, I must confess, is no good subject, who would not willingly and cheerfully lay down his life, when that sacrifice may promote the interest of his sovereign, and the good of the commonwealth. But he is not a good subject, he is a slave, who will allow his goods to be taken from him against his will, and his liberty against the laws of the kingdom. By opposing these practices, we shall but tread in the steps of our forefathers, who still preferred the public before their private interests, nay, before their very lives. It will in us be a wrong done to ourselves, to our posterities, to our consciences, if we forego this claim and pretension."

Sir Thomas Wentworth spoke what appeared to be the sentiment of the house, as he exclaimed, "We must vindicate—what? New things? No. Our ancient, legal, and vital liberties, by re-inforcing the laws enacted by our ancestors, by setting such a stamp upon them that no licentious spirit shall dare henceforth to invade them. And shall we think this a way to break a parliament? No. Our desires are modest and just. I speak both for the interests of king and people. If we enjoy not these rights, it will be impossible for us to relieve him. Let us never therefore doubt a favourable reception."

The petition of right.

The question, indeed, with the house of commons, was not whether the constitution had really provided for the security of the subject in his person and possessions or not, but rather, considering it as assuredly the law of the land, that no property should be taxed without consent of par-

liament, and that no Englishman should be subject to detention without the assignment of a lawful cause; the point was, whether it did not behove the lovers of their country to add to those statutes which a generous ancestry had transmitted to them on these particulars, such further provisions as together might constitute a more certain barrier against the lawless passions of the powerful. This was the object proposed by the present parliament in their memorable Petition of Right. The very title of that document was intended to denote that the matters sought by the applicants were justice, not favour—the due enforcement of ancient law, and not any addition to that law.

CHAP. V. 1628. April 3.

The petitioners begin with noticing several statutes, as showing that they should not be compelled to contribute to "any tax, tallage, aid, or other like charge, not set by common consent in parliament." They next appeal to the laws enacted by authority of parliament, that no man, "of whatever state or condition he be, should be put out of his land or tenements, nor taken or imprisoned, without being brought to answer by due process of law." From the statute on this subject, they proceed to those designed to regulate the uses of martial law; and, adverting to the recent violations of all these solemn enactments, it is implored, "that no man hereafter be compelled to make or yield any gift, loan, benevolence, tax, or such like charge, without common consent by act of parliament. And that none be called to make, answer, or take such oath, or to give attendance, or be confined, or otherwise molested or disquieted

Its contents.

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concerning the same, or for refusal thereof. And that no free man in any such manner, as is before mentioned, be imprisoned or detained."

The members were not insensible to the difficulty of obtaining a favourable reply to this appeal, notwithstanding the things which they sought are described as "their rights and liberties, according to the laws and statutes of the realm." But they knew the necessities of the crown, and, following the example of the most virtuous men among their predecessors, they resolved to profit by them. Not a few of them were obliged to suspect the sincerity of the king in all such transactions; and their plans were made to embrace the best provision that could be at present devised against that serious evil. Five subsidies were voted, and voted to be paid within the year—a sum admitted by Charles and Buckingham, to be "the greatest gift ever given in parliament."* But the bill, which would have placed so much treasure in the hand of the monarch, was steadily refused, until the petition of right should obtain the royal assent.

When that petition passed into the upper house, it gave rise to a discussion which lasted three days. The attorney-general was aided by council on behalf of the crown, so preponderating was the amount of legal knowledge and ability which appeared on behalf of the subject. But the advocates from the commons were generally believed to be the victors, whether reasoning from the statutes or from precedent. That the lords should

* Parl. Hist. 957.

attempt a middle course, or at least make a show of doing so, was to be expected. Without disputing the fact, that every thing contained in the petition was already the law of the land, they were induced to propose amendments, which, in practice, would have tended much to neutralize the design of that document, and of the statutes on which it rested.

Charles hesitates to conform to it.

During two months, Charles tried various means to inveigle the petitioners from the ground which they had taken. He even proceeded so far as to acknowledge the authority of those enactments on which their present claim was founded. But all this was evidently done in the hope, that, by such a concession, he might be allowed to evade that more solemn recognition of the great principles of popular liberty, which the petition was meant to secure.

Consults the judges.

As these attempts were successively frustrated by the discernment and perseverance of the patriots, the two chief-justices were called into the royal presence, and several important questions were privately submitted, through their medium, to the judges. From the nature of these questions, it is evident that the king, while feeling the necessity of giving his assent to the petition, was secretly concerned to avail himself of any subterfuge that might enable him to escape at a convenient season from the restraints it was designed to impose. The judges ventured to state, that the document might be allowed to pass without producing any alteration in the practice of the crown on the points to which it related.*

* This fact appears from a paper in the Hargrave MSS. XXXII. 97. See Hallam, I. 422, 423.

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Still, it was not to be concealed, even from the mind of Charles, that, however readily the deceptive policy thus urged might comport with the moral feeling of these interpreters, or rather corrupters, of the law, the impression made by such conduct on the feeling of the nation would be of an injurious description. The mortification of appearing to assent to the petition, and of appearing to do so before obtaining the promised supply, was unavoidable. It was hoped, however, that the mode of passing it might be made to include some vagueness or informality, that would serve to diminish the odium of returning to the practice which it so pointedly condemned, should circumstances occur to render such proceedings desirable.

On an appointed day, the king appeared in the upper house, and the petition was read in his hearing. But instead of signifying his approval in the usual and concise form—"Let it be law, as is desired," the answer given was in the following new and insidious shape. "The king willeth that right be done, according to the laws and customs of the realm, and that the statutes be put in due execution, that his subjects may have no cause to complain of any wrong or oppression, contrary to their just rights and liberties, to the preservation whereof he holds himself as well obliged as of his prerogative." The commons appear to have been wholly unprepared for this mode of proceeding. They had given repeated proofs that they were not to be made the dupes of the most covert artifice, and were indignant beyond measure on ascertaining that the feeling of such a moment was to

His evasive reply.

June 2.

1628. June 5.

be wounded by this clumsy effort to deceive. Their speeches, their lamentations, their tears, all bespoke the bitterness of their disappointment.

But none of these things could move the king. At length the resentment of the house began to settle on Buckingham; the court became alarmed; and the lords endeavoured to effect a diversion of this dangerous feeling, by proposing that another effort should be made to obtain the assent of the monarch to the Petition of Right in the accustomed form. Charles, to rescue his favourite, now expressed his assent in the words usual on such occasions. He also added, "Now I have performed my part, if this parliament have not a happy conclusion, the sin is yours." The loud applause of the patriots, as the object of so much toil and solicitude was thus attained, bespoke their gratitude and delight, and the same feelings were soon diffused through the kingdom. The five subsidies already voted amounted to somewhat more than 350,000*l.*; and that sum, together with a contribution upon the same scale from the resources of the clergy, was immediately placed at the disposal of the king and his ministers.*

June 7. Grants his assent.

* Parl. Hist. 230. 410. "Upon all or most of these debates, the sergeant was ordered to attend on the outside of the door of the house, and no man was to offer to go out upon penalty of being sent to the Tower."—Ibid. 385. "It may be affirmed," says Mr. Hume, "without any exaggeration, that the king's assent to the Petition of Right produced such a change in the government as was almost equivalent to a revolution." Yet, strange to say, the two houses were agreed in considering it as the mere echo of former statutes, and the justice of this conclusion was never questioned by either Charles or his ministers. Indeed, notwithstanding this passage, the substance of the historian's statement concedes, with curious consistency, that the tendency of the bill was rather to abridge the occasional exercise of lawless power, than to create any new legal obligation.

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Question of tonnage and poundage renewed. June 17.

But the zeal of the popular party did not rest here. That portion of the public revenue which arose from tonnage and poundage, related to the commerce of the sea-ports, which was, in some respects, distinct from the internal traffic of the kingdom. On this plea, and on the ground of a recent judgment in the court of exchequer, it was presumed that the articles of the late petition, touching illegal impositions, did not extend to the customs collected from the ports. It was urged, however, by the commons, that their petition, like the statutes on which it rested, had respect to every "tax, tallage, or other like charge," and, of course, to every tribute required on property exported or imported. Such, we may fairly suppose, was the meaning which they had attached to the language of their ancestors. But their insisting on such an interpretation of it, at the present juncture, may have been somewhat imprudent, and resulted, no doubt, in part, from the flush produced by their recent victory. It was not their intention to withhold the disputed tallage; they were only solicitous that it should be granted in such a form as to make it equally dependent with other taxes on the consent of parliament.*

Meditated attack on Buckingham.

With the remonstrance which they were preparing on this subject, was another, which attributed the late dishonours of the state in the sight of Europe, the loss of dominion in the narrow

* Selden took a prominent part in this debate. He observed, that in all the instances, except one, in which tonnage and poundage had been granted, the answer from the crown had been, "The king heartily thanketh his subjects for their good wills."—Parl. Hist. 431.

seas, the annihilation of commerce, and many other evils, to the incapacity or the extravagance of Buckingham, suggesting the propriety of his being removed from office, and excluded from the court. But Charles was in no mood to part with the man of his confidence. With respect to the question of tonnage and poundage, the law of the land was certainly on the side of the patriots. But it should also be remembered, that custom had so long assigned that department of revenue to every new sovereign, for the period of his life, that we may excuse some displeasure in Charles, on finding himself subject to a restraint in that particular, which it had not been thought necessary to lay on any of his predecessors.

CHAP. V. 1628.

To avoid the reception of documents so little agreeable, it was determined to prorogue the parliament; but the suddenness with which this was done, and, still more, the remarks with which it was accompanied from the monarch, renewed the jealousy of the popular members, and brought back much of the gloom which recent events had tended to disperse. Tonnage and poundage was a part of his revenue, which as a sovereign he could not relinquish; and, while it was not his intention to recede from any thing promised, both houses were to remember that, as they had deprecated any encroachment on his prerogative, so it must needs be supposed that nothing new had been granted in assenting to the late petition.*

Parliament prorogued. June 26.

But, notwithstanding the suspicions attached to these and similar expressions, the commons could

Effect of this session on the liberties of the country.

* Parl. Hist. 418—433.

CHAP. V. 1628.

not fail to be aware, that the triumph of their cause had been such, as to render this session one of the most memorable in our parliamentary history. The Petition of Right, like its illustrious parent, the Great Charter, might be viewed with jealousy by sovereigns, but with the people it could scarcely cease to be regarded as containing a most sacred recognition of their vital liberties. Like the articles of Runnemede, its provisions might be frequently evaded, and sometimes trodden under foot, but, like those articles, they were not to be forgotten by the nation, whenever called to make a stand against the encroachments of tyranny, under the plea of prerogative.

Fall of Rochelle.

Six months intervened before the next meeting of parliament. During that interval, Charles was principally occupied in endeavouring to extend his promised aid to the protestants of Rochelle. That city was now encircled by a formidable fleet and army, under the command of Louis and Richelieu. Twice the English expedition approached the enemy; in the first instance, under the command of the earl of Denbigh, when it merely reconnoitred the proceedings of the combatants, and returned to England; in the second, under the earl of Lindsey, who, after inflicting some injury on the fleet of the besiegers, witnessed the surrender of the town at discretion.

The great majority of the French nation had continued an adherence to the catholic faith, and the intolerance of the court had long since contributed to render the protestant population of that kingdom, a sort of independent republic—a

confederation which the latter found to be strictly necessary, as the means of existence. But from this period, the power of protestantism in that country was destroyed; and the adoption, for a time, of a somewhat more lenient policy on the part of the government, led to a union of resources, which has been considered as forming an epoch in the history of that monarchy.*

The fall of Rochelle was felt in this kingdom to be that of a chief bulwark of the protestant faith. Charles would probably attribute the event to the refractoriness and parsimony of his subjects, more than to any other cause. But by the more zealous adversaries of popery, both at home and abroad, it was ascribed to the thoughtlessness and passion of the English monarch and his favourite. The career of that favourite was now approaching to its close. It is highly probable that it would have received its termination from the vengeance of the commons whenever the parliament should next assemble. But the man so favoured by the sovereign, and so hated by the people, was to be cut off before that day, by the hand of the assassin Felton.† Assassination of Buckingham. Aug 23.

* On the accession of Louis XIV. in 1643, the protestants of France appear to have numbered about two millions and a half of souls—a little more than a twelfth of the population. During the reign of that prince, with whose character and government Mr. Hume is always so much fascinated, the one half of these people were either nominally converted to the catholic faith, or banished, or slaughtered, or brought to their end by a process more horrible than that of the sword. By the revocation of the edict of Nantz, six hundred thousand persons were driven from the kingdom. In the days of their prosperity, the French protestants possessed more than six hundred churches, and about the same number of ministers.—Memoires Polit. et Milit. de Noailles, par M. l'Abbé Millet, I. 16. Ranken's History of France, VIII. 268, 269.

† Ellis's Original Letters, III. 256—260, 266, 267, 278—282. Rushworth, I. 651—653.

CHAP. V.

1629.

Question of tonnage and poundage renewed. Jan. 20.

The removal of Buckingham effected no change in the policy of any party. When the commons met, a message from the sovereign called their attention to the matter of tonnage and poundage—the question which had produced the late prorogation. But it had happened that fifteen hundred copies of the Petition of Right had been put forth by the king's printer, having the sophistical answer, so loudly objected to, inserted in the place of the constitutional assent, which was afterwards obtained. It appeared also, upon inquiry, that the copies first prepared by the printer were correct, but that they had been destroyed, and that the corrupted impressions had been issued in their room, in compliance with a special order from the king. This measure, so contemptible from its weakness, and so odiously dishonest, was adverted to with becoming indignation by the house. To that assembly, and to the whole kingdom, it proclaimed the alarming truth, that the word of the monarch was not to be relied upon, even in his most solemn transactions!

Duplicity of Charles respecting the Petition of Right.

Charles endeavoured to retrace his steps, by publicly admitting that the duties of tonnage and poundage were received by himself and his predecessors, purely as the gift of his subjects, and by assuring the house that nothing which he had recently said or done, was meant to contravene the great principle involved in this concession. The duties were accordingly voted. But a reparation was demanded for the persons who had suffered in consequence of refusing such payments until their legality should be determined in the usual manner by parliament. The royal officers endeavoured to

evade the severe scrutiny of their opponents, who were at length told that it was not the pleasure of the king, that any of his servants should be punished on account of acting agreeably to his instructions. The effect of a communication pregnant with such important consequences, was averted, for a while, by an immediate adjournment of the house. For if the king can do no wrong, and those who do wrong in his name are not to be responsible, where is the shadow of a security for the liberties of the people?

Feb. 28.

When the members next assembled, sir John Eliot commenced a series of complaints against the servants of the crown. The speaker again rose, and announced an order from the king, requiring a second adjournment. It was obvious that this was done to prevent an investigation of the subject: the patriots refused to obey: the doors of the house were locked; and, amid the tumult which ensued, even blows passed between the opposite parties. But Hollis and Valentine, two of the members, succeeded in holding the speaker to his place in the chair, until a protest was adopted, which declared the abettor of popery, arminianism, or other opinions opposed to the established church, a capital enemy of the commonwealth; and which affirmed the same of the man who should advise the taking of the duties called tonnage and poundage, without consent of parliament, and of the man who should pay them. The house then adjourned till the tenth of March, the day mentioned in the royal message.

Protest of the commons. March 2.

It is probable that Charles was not displeased

CHAP. V. 1629.

with the violence which had thus manifested itself. It is certain that the plan of governing without a parliament, to which he may have been somewhat disposed by circumstances, but much more by natural inclination, had never been contemplated with the same deliberation and firmness.*

Dissolution of parliament.

On dismissing the parliament, Charles assured the lords, that the pleasure which he had derived from their dutiful conduct, equalled the distaste excited by the very different proceedings of the lower house, in which certain "vipers" had too well succeeded in leading the unsuspecting astray. An extended proclamation was then sent through the kingdom, professing to state the causes which had induced the king to adopt an altered policy. In this paper, the opposition to the court, in the house of commons, is said to be limited to "a few ill affected persons." The conduct, however, of this unimportant faction is noticed as the chief reason for dissolving the great council of the nation. This error of attributing to a few men what belonged more properly to the age, will be found to run through all the reasoning of Charles and his predecessor, respecting the constitution and government of England. Individuals can never possess much importance, except as borne onward by the tide of popular sentiment. The royal proclamation is therefore chiefly worthy of notice, as showing the king's views with respect to the general conduct of the patriots, and his determination to resist them to the uttermost. The lower house is described as having lost the modesty which for

* Rushworth, I. 655—672. Whitelocke, 12. *et seq.* Parl. Hist. 435—491.

ages had distinguished it, as meddling with questions of government and law, in a manner hitherto unknown, and as seizing on the necessities of the sovereign to enforce a submission, "on conditions incompatible with monarchy." While, therefore, great care would be taken to preserve the church of England, equally discountenancing "popery and schism," and to perpetuate the ancient and just immunities of the subject, it was announced as the king's expectation, that the obedience shown to the greatest of his predecessors, should in all things be rendered to his authority. The factious were moreover cautioned against supposing that there would be any failure of means to enforce the claims of an office received from that invisible Power, to which alone princes are bound to give account of their actions.*

* Rushworth, I. Appendix, 1—11. Charles began this proclamation by reminding his subjects of his statements at the opening of the late parliament. "We declared," he observes, "the afflicted state of those of the reformed religion in Germany, France, and other parts of Christendom—that beside the pope and the house of Austria, and their ancient confederates, the French king professed the rooting out of the protestant religion, for which, and other important motives, we propounded a speedy supply of treasure." But it is added that "causeless jealousies" had rendered the noble effort to frustrate this conspiracy a disgraceful failure. The notion, that Charles was really concerned about the interests of the reformed churches, was contradicted by so many circumstances, that patriots and puritans were alike incredulous about it. Charles remarks further, that the patriots, observing "that many honest and religious minds, in that house, did complain of those dangers that did threaten the church, they likewise took the same word in their mouth, and their cry likewise was, *Templum Domini, Templum Domini*, when the true care of the church never came into their hearts; and what the one did out of zeal unto religion, the other took up as a plausible theme to deprave our government." This is the view of the patriotic party, that is so constantly occurring in the pages of Hume. But what unprejudiced man will admit it, while referring to such men as Coke, and Selden, and Eliot, and Seymour, and Phillips? That there were men in that house capable of this artifice, may be true; but those men were not its leaders in 1628. Charles concludes with affirming, that his servants shall not be considered responsible to any but himself; and declares that the bold proceedings of the last parliament shall never be submitted to again.

CHAP. VI.

VIOLENCE OF THE COURT.

IMPRISONMENT OF MEMBERS.—PROCEEDINGS AGAINST THEM.—SENTENCE PASSED ON ELIOT, HOLLIS, AND VALENTINE.—DEATH OF ELIOT.—SUSPENSION OF PARLIAMENTS.—STATE OF CIVIL LIBERTY.

CHAP. VI.

1629.

Imprisonment of members. March 5.

CHARLES resolved that this language should not appear to be an empty threat. Two days later, nine of the principal members, who had been active in the late opposition, were called before the council. The charge against them was that of disobeying the message of the sovereign, which had required an immediate adjournment of the house. Hollis, Eliot, Hobart, and Hayman, were committed close prisoners to the Tower. Selden, Valentine, Corington, Long, and Stroud, were consigned to other prisons, and the study of Selden, and those of Eliot and Hollis, were sealed by the royal officers. This last circumstance was meant to be followed by an examination of all the private papers in the possession of these parties.

The king, in his proclamation, had promised to observe the provisions of the Petition of Right, and the prisoners, on the ground of that petition, appeared, by the writ of habeas corpus, at the bar of the king's bench, demanding their acquittal, or to

be admitted to bail. Their commitment was said to be for sedition, and for notable contempt of the king and his government. The counsel for the prisoners prayed that the opinion of the court on the law of the case might be delivered. To avoid compliance with this inconvenient request, Charles suddenly removed the offenders into new custody. June 24. This was an artifice frequently resorted to, when the object was to detain an accused party in longer confinement, as every such removal put off the decision of the case until the next term.* Before that term had commenced, in this instance, the king had leisure to deliberate, and to profit by the caution of the judges, who advised that the prisoners should be bailed, on finding security for their more proper conduct in future. But the sufferers were not men to profess a repentance which they did not feel, or to avow themselves sorrowful on account of actions which their principles taught them to consider as among the most honourable of their life. Yet, because they refused to accept of freedom on the "easy terms" of hypocrisy and lying, they have been artfully represented as men who actually courted a continuance of their injuries, in the hope of thereby augmenting their popularity. It is of such men as Selden, that Hume has presumed thus to write; for it was that distinguished lawyer and patriot who advised his companions to adopt this course of proceeding, and who set them the example.

Proceedings against them.

* Whitelocke, 14. This writer remarks, that, by being removed thus "from pursuivant to pursuivant," an offender might be deprived through any period of "the benefit of the law."

CHAP. VI.

1629.

Sentence passed on Eliot, Hollis, and Valentine.

But Eliot, Hollis, and Valentine were to appear a second time in the court of king's bench. It was in vain that they objected to the jurisdiction of that court, as not extending to the conduct of subjects assembled in parliament. The judges pretended to create a distinction between what they were pleased to call parliamentary and extra-parliamentary conduct; and on the plea that the actions of the accused were of the latter description, proceeded to visit them with punishment. Eliot was fined 2000*l.* Valentine 500*l.* and Hollis 1000 marks, and the three were to suffer imprisonment during the king's pleasure, and to obtain no discharge without making suitable acknowledgment of their errors. *

Death of Eliot.

Hume concludes his cold and partial account of this struggle, by noticing as the climax of its absurdities, that "because sir John Eliot happened to die while in custody, a great clamour was raised against the administration, and he was universally regarded as a martyr to the liberties of England!" It is certain, that if such was the universal sentiment of that age, it was, like many other prevalent sentiments, not more general than true. †

* Whitelocke, 14. Rushworth, 674—701.

† Eliot took up his residence in the Tower, with no expectation of a speedy enlargement. His upholsterer was sent "to trim up convenient lodgings." But he described his personal substance as consisting of "two cloaks, two suits, two pair of boots and golashes, and a few books;" and, alluding to his fine, he remarked, that "if they could pick up two thousand pounds out of that, much good might it do them." He further states, that on his commitment to the Tower, no time was lost in issuing a commission to the high sheriff of the county of Cornwall, and to five other commissioners, his capital enemies, to inquire into the state of his lands and goods, and to seize upon them for the king; but they returned a *nihil*. His property, however, was considerable; but the hazard to which it

Eliot was committed in the early part of 1629: in 1632 he was still a prisoner. At this period, he is described, by his attorney, as the same man, "cheerful, healthy, and undaunted." His constitution, however, was daily losing its strength. In the October of the same year, his physician reported, that "he could never recover of his consumption, unless he might breathe purer air." But it was added by Richardson, the chief-justice, that "though sir John was brought low in body, yet was he as high and lofty in mind as ever, for he could neither submit to the king, nor to the justice of that court." In a petition, presented to Charles by the lieutenant of the Tower, the sufferer stated, that, "by reason of the quality of the air" in his place of confinement, "he had fallen into a dangerous disease," and he besought his majesty to grant him permission "to take some fresh air, for the recovery of his health." But the monarch returned the petition as "not humble enough." In another, presented by his son, the expiring patriot laboured to adopt more acceptable expressions. "Sir," he writes, "I am certainly sorry to have displeased your majesty, and having so said, do humbly beseech you once again to command your judges to set me at liberty, that when I have recovered my health, I may return back to my prison, there to undergo such punishment as God hath allotted unto me."

Here the lieutenant interposed, complaining that

became exposed, by his uncourtly principles, had induced him to adopt measures for securing it in favour of his eldest son, a youth, who appears to have been of age at this time.

CHAP. VI. 1632.

the business of presenting petitions, from persons in his custody, should have been devolved upon another, and the prisoner was informed, that if a third document were prepared, containing a becoming reference to his delinquency, and a prayer for the king's pardon, the favour which he sought would, no doubt, be granted. The words of Eliot, in reply to this expostulation, are the last that are known to have fallen from his lips. "I thank you, sir," was his answer, "for your friendly advice, but my spirits are grown feeble and faint, which, when it pleases God to restore to their former vigour, I will take it further into my consi-

Nov. 27.

deration." But his departed strength was never to return. A few weeks later he breathed his last, not only as a martyr to the liberties of England, but a martyr whose sufferings were of a kind demanding fortitude sufficient to encounter many deaths from the hand of the executioner or at the stake! His son implored permission to convey the body to Cornwall, but the resentment of Charles was not satisfied with the protracted suffering, nor even with the life of his victim. "Let sir John Eliot's body be buried in the church of that parish where he died," was the generous reply! The reader will judge, from these facts, as to the confidence which should be placed in the humanity of the monarch, or in the veracity of his apologist.

The following letter, which appears to have been the last written by this noble-minded sufferer, is too important and beautiful to be omitted. It was addressed to his faithful and affectionate corre-

spondent, Hampden. Merely quitting his apartment had now become dangerous. "Sir,—Besides the acknowledgment of your favour that have so much compassion on your frend, I have little to return you from him that has nothing worthy of your acceptance, but the contestation that I have between an ill bodie and the aer, that quarrell, and are frends, as the summer winds affect them. I have these three daies been abroad, and as often brought in new impressions of the colds, yet in body, and strength, and appetite, I finde myself bettered by the motion. Cold at first was the occasion of my sickness; heat and tenderness by close keepinge in my chamber has since increast my weakness. Air and exercise are thought most proper to repaire it, which are the prescription of my doctors, though noe physick. I thank God other medicines I now take not, but those catholicons, and doe hope I shall not need them: aschildren learn to go, I shall get acquainted with the aer, practise and use will compasse it, and now and then a fall is an instruction for the future. These varieties He does trie us with, that will have us perfect at all parts, and as He gives the trial He likewise gives the ability that will be necessary for the worke He will supplie that does command the labour, whose deliveringe from the lion and the bear, has the Philistine also at the disposition of his will, and those that trust him, under his protection and defence. O! infinite mercy of our Master, deare frend, how it abounds to us, that are unworthy of his service! How broken! how imperfect! how perverse and crooked are our waies in obedience to him! how

CHAP. VI. 1632.

exactly straight is the line of his providence to us, drawn out through all occurrents and particulars to the whole length and measure of our time; how perfect is his hand that has given his Sonne unto us, and with him has promised likewise to give us all things—relieving our wants, sanctifying our necessities, preventing our dangers, freeing us from all extremities, and died himself for us! What can we render? What retribution can we make worthy so great a majestie? worthy such love and favour? We have nothing but ourselves, who are unworthy above all, and yett that as all other things is his; for us to offer up that, is but to give him of his owne, and that in far worse condition than we at first received it, which yet (for infinite is his goodnesse for the merits of his Sonne) He is contented to accept. This, dear frend, must be the comfort of his children; this is the physick we must use in all our sicknesse and extremities; this is the strengthening of the weake, the nuriching of the poore, the libertie of the captive, the health of the diseased, the life of those that die, the death of that wretched life of sin, and this happiness have his saints. The contemplation of this happiness has led me almost beyond the compass of a letter; but the hast I use unto my frends, and the affection that does move it, will I hope excuse me. Frends should communicate their joyes: this as the greatest therefore, I could not but impart unto my frend, being therein moved by the present expectation of your letters, which always have the grace of much intelligence, and are happiness to him that is trulie

March 29.

Yours, J. E."

Baxter, in an early edition of his Saint's Rest, has numbered Pym, Hampden, and lord Brook among the departed whom he expected to meet in heaven. With the names of these christian patriots, that of Eliot must deserve an honourable place.*

Suspension of Parliaments, and state of civil liberty.

From the whole of these proceedings, it became evident that the Petition of Right, so far as it related to the liberty of the subject, would not be allowed to impose any material restraint on the practice of the government. To displease the powerful, continued to be the same thing with a transgression of the law, — liberty, property, and even life, being the probable forfeiture of the one as well as of the other. And it soon became quite as certain that the check which the same document was meant to place in the way of arbitrary taxes was equally inefficient. The king professed

* Mr. D'Israeli, whose attack on the fair fame of this patriot, has urged lord Eliot to supply the above letter and others for publication, charged sir John with being a solicitor of favour from Buckingham, in 1623, and hence would induce a suspicion as to the sincerity of the patriotism which distinguished him in 1626. But it should, in fairness, be remembered, that in 1623 the duke was accosted in terms of high praise by other patriots, and by no man more than sir Edward Coke. The change from 1623 to 1626 affected the whole party, perhaps sir John Eliot a little more than the rest, and perhaps from some mixture of personal motives. Men do not need to become immaculate, to be entitled to the name and veneration of patriots — this, however, would seem to be the theory of Mr. D'Israeli.

As to the deed of violence imputed to Eliot, it affects him as a man, much more than as a patriot. The mysterious matter, however, is only known to us from the report of the sufferer, whose resentment would bestow its own colouring upon it. It comes to us, moreover, through a very suspicious channel. Echard was not a writer to suppress any thing that might serve to show "the martyr to English liberty" to have been no saint.—Commentaries on the Life and Reign of Charles I., II. 268—280. IV. 545—547.

CHAP. VI. 1629.

to consider the energy of the commons, as directed by men who had conspired to deprive him of the most valuable attributes of sovereignty; and as the only theatre in which this opposing influence could manifest itself effectively was a parliament, it was resolved to try the experiment of governing without the intervention of such assemblies. In the proclamation, which was issued a few days after the dissolution of the last assembly of this kind, the king observed, "We have shown by our frequent meeting our people our love to the use of parliaments; yet the late abuse having driven us unwillingly out of that course, we shall account it presumption for any to prescribe any time unto us for parliaments, the calling, continuing, and dissolving of which is always in our power; and we shall be more inclinable to meet in parliament again, when our people shall see more clearly into our interests and actions." It is said, in vindication of this policy, that the patriots, who distinguished themselves in the three first parliaments of the present monarch, had formed a determined plan to abridge the constitutional authority of the crown. But is it not strange that an assertion, so often repeated, should be to this hour unsupported by proof? The present resolve of the king was clearly to unite the legislative and executive powers in his own person; and if this resolution did not involve a conspiracy against the liberties of the people, it is difficult to conceive in what that offence may be said to consist.

March 22.

But this course of proceeding was quite as much the effect of religious as of secular causes, and

before we come to notice the manner in which the kingdom was governed, during the many years in which no parliament was convened, it will be proper to review the state of ecclesiastical affairs to the commencement of that period.*

* One of Eliot's most spirited speeches, during the last parliament, was in opposing the assumption that the king and the bishops had "power to decree rites and ceremonies, and authority in controversies of faith." The memorable article on this subject had no place in the book of articles published under Edward VI., nor in the edition legalized by parliament in 1571. It appears to have been foisted in, for very obvious purposes, subsequently to the latter date; and, to 1628, was sometimes inserted and sometimes omitted in the authorised copies, but never obtained the sanction of the legislature. The edition published in 1628, under the superintendance of Laud, of course included it, and it was accompanied, moreover, by instructions with respect to doctrine and discipline, that were in perfect agreement with its spirit of dictation. (Biblioth. Regia, 213. Fuller, Book IX. 73, 74.) "I beseech you, mark," said Eliot, "the ground of our religion is contained in these articles. If there be any difference of opinion concerning the interpretation of them, the bishops and clergy in convocation have a power admitted to them to do anything that shall concern the maintenance of the truth professed; which truth being contained in these articles, and these articles being different in the sense, if there be any dispute about that, it is in them to order which way they please; and, for aught I know, popery and arminianism may be a sense introduced by them, and then it must be received. Is this a slight thing, that the power of religion must be drawn to the persons of those men? I honour their professions, and honour their persons; but give me leave to say, the truth we profess is not man's but God's, and God forbid that men should be made to judge of that truth." The effect of the debate on this important subject, was the passing of the following resolution:—

"We, the commons, now in parliament assembled, do claim, profess, and avow for truth the sense of the articles of religion which were established in parliament in the reign of the late queen Elizabeth, which, by public act of the church of England, and by the general and concurrent exposition of the writers of our church, have been delivered to us; and we do reject the sense of the jesuits and arminians, wherein they differ from us."—Parl. Hist. II. 452, 454. Jan. 29, 1629.

CHAP. VII.

ECCLESIASTICAL AFFAIRS FROM THE ACCESSION OF CHARLES I. TO THE DISSOLUTION OF HIS THIRD PARLIAMENT.

PROCEEDINGS AGAINST THE CATHOLICS. — COMPLAINTS REGARDING MONTAGUE'S "APPEAL TO CESAR." — HIS PREFERMENT. — THE CASE OF MANWARING. — PROCEEDINGS AGAINST HIM. — HIS SENTENCE. — PREFERRED BY THE KING. — RISE OF LAUD. — HIS THEOLOGICAL AND POLITICAL CREED. — HIS DEFENCE OF OBNOXIOUS CEREMONIES. — DIFFERENT SENTIMENTS OF THE PURITANS. — REMARKS ON THE GENERAL CHARACTER OF THAT PEOPLE. — THEIR ATTACHMENT TO A MORE SIMPLE RITUAL.

CHAP. VII.

1625. Proceedings against the catholics.

THE religious incidents which belong to this interval, are chiefly valuable as affording a further illustration of the temper distinguishing the several parties into which the people and their rulers were divided. The intention of Charles, with regard to his catholic subjects, at the time of his accession, can only be conjectured. The expectations of Henrietta and of her attendants were sanguine, and not unreasonably so. But the proceedings of the king's first parliament, disclosed the national feeling in relation to that party, and suggested that any public measure in their favour would be impolitic and dangerous. The houses were no sooner assembled, than the lords spiritual and temporal were induced to join with the commons in a petition to the sovereign, praying "for the execution of the laws against popery, and for

advancing true religion." This petition was designed to state the dangers arising from the alleged increase of popery, and was further meant to secure attention to the causes of the evil which it deplored, and to lead to the adoption of remedies. The catholics are described as regarding their efforts to subvert the church and state, in the light of religious duties; also, as men in a state of constant intrigue with powers hostile to this country; and as a faction ready to join in any conspiracy that may flatter them with the prospect of greater power.

The causes which had tended to the increase of this evil are said to be found partly in the defectiveness of the statutes relating to it; but chiefly in the negligence or corruption of the persons intrusted with the execution of them. It was traced, also, to the frequent interference of foreign ambassadors in behalf of offenders; to the freedom with which the professors of this obnoxious creed were allowed to resort to the houses and chapels of such persons; to the practice of sending the children of English catholics to foreign seminaries; to the unlicensed publication of popish books; to the defective means of instruction provided for many of the people; and to the employment of persons in the most responsible offices of government who were known to be unfriendly to the established religion.

To remedy "this outrageous and dangerous disease," it was proposed that care should be taken to exclude all catholics from the office of schoolmasters, and to see that the children of catholics were educated within the kingdom; that a steady effort should be made to render a knowledge of

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the scriptures more general, and to lessen the evils of non-residence, pluralities, and commendams. It was also proposed that the bishops should be urged to use their influence to restore certain able ministers, whose conscientious scruples had been imprudently punished with suspension; that no popish recusant should be allowed to come within the verge of the court, unless by special invitation from the king; that all jesuits and seminary priests should be required to leave the kingdom by a certain day; and that after that day the penalties incurred by them, or by their favourers, should be strictly enforced. The petition further implored, that no ecclesiastical person deriving his authority from Rome should be allowed to exercise his ministry with regard to any of his majesty's subjects; that no English catholic should be allowed to appear at the religious services in the chapels of foreign ambassadors; that measures should be adopted to disarm all popish recusants, and to compel their removal from London, and their remaining within five miles of their residence in their respective counties. The fine of twelve pence was also to be required, according to the statute of Elizabeth, from every person absenting himself from the service of the church on Sunday, except from some just cause, the same to be given to the poor, as custom had prescribed. These regulations, said to be strictly necessary to heal the maladies of England, were, in conclusion, recommended as applicable to the still more disordered condition of Ireland.

To these and some other proposals his majesty,

with not more than two or three exceptions, gave an assent. The case of Ireland was fraught with difficulty, and so was that part of the petition which concerned the restoration of silenced ministers. The number of these it was thought proper to restrict to such as were "peaceable, orderly, and conformable to the church government." Many, indeed, of the remaining articles would have been equally perplexing, had it not been the determination of the king to undo, by the aid of his ministers, what he appeared to do in his transactions with parliament.*

Complaints regarding Montague's "Appeal to Cesar."

The day on which this petition was presented, was that in which the commons began their complaint against Montague. The "Appeal to Cesar," published by that divine, was declared by a committee to be "factious and seditious, tending manifestly to the disturbance of both church and state." Among the obnoxious matters which it contained, was the assertion, that the church of Rome should be revered as "a true church, and the spouse of Christ;" and that the puritans, on the contrary, were to be avoided as men of doubtful religion, and as fomenters of anarchy. The writer, it was said, betrayed the tendency of his mind by adverting in respectful terms, to such men as Bellarmine, while Calvin, Beza, Perkins, Whitaker, and Reynolds, were treated with contempt. He had, moreover, written degradingly of lectures and lecturers, and of the office of preaching generally, extending his disparaging language to the reading of the Bible, and

July 7.

* Parl. Hist. 17—25, 30. Neal, II. 141. Rapin, *ubi supra.*

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to the book itself, profanely affirming, that "never a saint-seeming, Bible-bearing, hypocritical puritan was a better patriot than himself."

A work, recently published by this violent polemic, had been referred by the house to the judgment of the archbishop of Canterbury; and it was while the fate of that production remained undetermined, that this more virulent composition was made public. On the ground of the contempt thus shewn to the house, and other charges, the offender was bound in a recognisance of two thousand pounds.

April 13.

When the parliament had re-assembled at Oxford, sir Edward Coke seized the first day of the session to call the attention of the house to this affair. Montague was absent under the plea of indisposition, and a discussion arose as to the right of the house to question the servants of the crown, the accused party in this case being one of the royal chaplains. Wentworth, afterwards the earl of Strafford, appealed to the cases of Bacon and Middlesex in support of the pretension, and denouncing the man who could make "Bible bearing" a matter of reproach, he moved that proceedings against the offender should be commenced without a moment's delay. It was agreed to leave the theological opinions of the delinquent to the judgment of the bishops; but a conference with the lords was to be sought, with regard to the matters of accusation, which affected the credit and authority of parliament.

The assembly in which the prosecution was thus commenced, was soon afterwards dissolved;

but in the new parliament of the following year, this affair was resumed, and Pym, as chairman of a committee, reported to the house that the design and tendency of the Appeal to Cesar, was evidently "to discountenance the true profession of religion here established, and so to draw the people to popery." The committee further declared themselves to be fully of opinion, that as a public offender against the peace of the church, the writer should be presented to the lords, there to receive punishment according to his demerits. CHAP. VII. 1626.

Charles interposed to express his disapprobation of the sentiments avowed by his chaplain, and went so far as to order that the writings containing them should be suppressed. But the resentment of the patriots, which had been for a while diverted by more weighty matters, was excited anew, when about twelve months later they saw this offender raised to the see of Chichester. It was remarked in the lower house, that if men were to be rewarded with bishoprics for producing such compositions, there would soon be enough of them. It was at the same time declared aloud, that Montague and Laud were the main cause of the evils so deeply affecting the church and the commonwealth.* His preferment. Jan. 27, 1628.

In a subsequent committee, of which Pym was again chairman, it was remarked by sir Richard Grovener, "You remember, sir, what care and pains this house took—as a matter of great consequence—to frame a charge against Montague, which was ready with the first opportunity to have transmitted him to the lords. But these many

* Parl. Hist. 446, 457.

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interruptions we have had, have given backing to that, as well as to many other businesses of weight. Yet was this man, shortly after the ending of the session, dignified with the sacred title of a bishop, a bishop of that see, wherein his predecessor—a grave and orthodox prelate—had laboured, both by his pen and doctrine, to strangle those errors, and to confute Mr. Montague, as if the very ready way to obtain a bishopric now, were to undermine religion, and to set the church in combustion."* In other instances this irritating event was adverted to, and in terms which always indicated that it was regarded by the commons as an additional proof of the ease with which the king could resort to the language of insincere profession, and as showing his determination to favour that bastard protestantism in the church, and those arbitrary measures in the state, of which Montague was known to be the advocate.

The case of Manwaring.

While these proceedings, intended to check the promulgation of such doctrines, either from the pulpit or the press, were in progress, another churchman contrived to render himself notorious in their cause. This was Dr. Manwaring, rector of St. Giles's in the Fields. In the midst of the ferment excited by the illegal expedients of the government, in 1627, and especially by the forced loan attempted in the summer of that year, it fell to the lot of this divine to preach before the monarch and the court, and he was pleased to affirm, that aids and subsidies might be raised without consent of parliament, and that taxes or loans,

* Parl. Hist. 470. Fuller, Book XI. 119—121, 131, 132.

imposed by the sole authority of the crown, were so assuredly binding, that no man could refuse them, without exposing his soul to destruction. The sermons containing these statements, were published under the title of "Religion and Allegiance," and sent through the kingdom.

Proceedings against him.

In the next meeting of parliament, these discourses were brought under the notice of the lower house, with some forcible comments from one of the members. The following day Charles urged the despatch of necessary business, adding, that seven days from that time, the assembly would be prorogued. The commons, unmoved by this message, proceeded in preparing a declaration, expressing their abhorrence of the political heresies which had been recently uttered in the royal presence, and on the same day, Pym appeared before the upper house, to prefer his charges against the author of them.

June 3.

In an extended speech, characterized equally by its learning, and its lucid reasoning, he exposed the criminality of the accused party, and, citing numerous precedents, called for his signal punishment as indispensable to the tranquillity of the present age, and the security of the future. The case, he observed, was one of peculiar aggravation. "First, from the place where these sermons were preached —the court, the king's own family, where such doctrine was before so well believed, that no man needed to be converted. Of this, there could be no end, but either simoniacal, by flattering and soothing, to make way for his own preferment, or else extreme malice, to add new afflictions to those who lay under his majesty's wrath, disgraced and

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imprisoned, and to enlarge the wound that had been given to the laws and liberties of the kingdom." The second was from the consideration of his holy function. "He is a preacher of God's word; and yet he hath endeavoured to make that which was the only rule of justice and goodness, to be the warrant for violence and oppression. He is a messenger of peace, but he has endeavoured to sow strife and disunion not only among private persons, but even betwixt the king and his people, to the disturbance and danger of the whole state. He is a spiritual father; but like that evil father in the gospel, he hath given his children stones instead of bread, and scorpions instead of flesh. Lastly, he is a minister of the church of England, but he has acted the part of a Romish jesuit. They labour our destruction, by dissolving the oath of allegiance taken by the people; he doth the same work by dissolving the oath of protection and justice taken by the king."

June 11.

The preacher was accordingly brought to the bar of the house, where he denied some of the assertions imputed to him, and attempted to soften the import of others. His ingenuity was not greatly serviceable to him; but in adopting the language of humility, and appealing to the compassion of his judges, he was more successful. After an examination of three days, it was determined that he should be imprisoned during the pleasure of the house; that he should be fined 1000*l.*; that he should be suspended during three years from the exercise of his ministry; that he should be for ever disqualified to preach at court, or to be

His sentence. June 14.

promoted to any ecclesiastical dignity, or secular office; that he should make a humble confession of his enormities, at the bar of both houses; and that the king should be urged to suppress the obnoxious sermons by proclamation, and to command their being publicly burnt in London, Oxford, and Cambridge. A few days later, the doctor went through his prescribed submission, at the bar of the house of lords, and again before that of the commons. CHAP. VII. 1628. June 21.

During the course of this prosecution, Charles had disavowed the opinions which exposed the offender to these penalties. But the parliament was soon afterwards prorogued; and among the first acts of the king subsequent to that event, was the pardon of Manwaring, and his presentation to the rectory of Stanford Rivers, in Essex, with a dispensation, enabling him to hold it with the rectory of St. Giles's. These steps also were only preparatory to his being raised to the see of St. David's. It was ascertained, moreover, that the sermons which had become so notorious were published by his majesty's special command, and that this command was persisted in, notwithstanding a grave remonstrance against it, which was supported even by Laud. These disclosures placed the conduct of Charles so completely at issue with his professions, as to leave but one conclusion to be deduced by the common sense of the nation. If these repeated inconsistencies be remembered, it will not appear singular that so little importance came to be attached to royal declarations or promises.* Preferred by the king. June 14.

* Parl. Hist. 377—379, 388—401, 410—416, 430, 435.

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1621. Rise of Laud.

Montague and Manwaring must be viewed as representing that numerous class of persons called the court clergy. Of that class, bishop Laud was already the principal leader. In 1621, Buckingham, and Williams the lord keeper, employed their influence to secure the elevation of this active churchman to the vacant see of St. David's. He had become known to the king some years previously, through the friendship of Neile, bishop of Rochester. But when recommended to the royal patronage, James remarked, that there was a certain lady who forsook her husband, and married a lord that was her paramour; and as Laud had been the officiating minister in that affair, the monarch hesitated to place a man of such doubtful morals in the rank of "an angel" in his church. But it was urged, that the lord adverted to was the patron of the priest, and that the priest had long since learnt to review that part of his conduct with the deepest sorrow.

If the moral impediment was thus removed, a still more serious one remained. This related to natural temper. "I keep Laud back from all place and authority," said the king, "because I find he hath a restless spirit, and cannot see when matters are well, but loves to toss and change, and to bring things to a pitch of reformation floating in his own brain, which may endanger the steadfastness of that which is in good pass, God be praised. I speak not at random; he hath made himself known to me to be such a one; for when three years since, I had obtained of the assembly of Perth to consent to five articles of order and

decency in correspondence with this church of England, I gave them promise, by attestation of faith made, that I would try their obedience no further about ecclesiastical affairs, nor put them out of their own way, which custom had made pleasing unto them, with any new encroachments. Yet this man hath pressed me to invite them to a nearer conjunction with the liturgy and canons of this nation; but I sent him back again with the frivolous draught he had drawn. For all this he feared not mine anger, but assaulted me again with another ill-fangled platform, to make that stubborn kirk stoop more to the English pattern. But I durst not play fast and loose with my word. He knows not the stomach of that people; but I ken the story of my grandmother, the queen-regent, that after she was inveigled to break her promise, made to some mutineers at a kirk-meeting, she never saw good day, but from thence, being much beloved before, was despised of all the people. And now your importunity hath compelled me to shrive myself thus unto you, I think you are at your furthest, and have no more to say for your client." The suit however was still urged, and the king at length replied with irritation, " Then take him to you, but on my soul you will repent it.*"

About the time to which this dialogue refers, Laud gave a further proof of the temper imputed to him, by prevailing with the prebendaries of Westminster to deny the house of commons the use of St. Margaret's church, unless the management of the service to be conducted there should

* Hacket's Life of Williams, 63.

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be entrusted to themselves. The house refused to make this surrender, and assembled in consequence in the Temple church, where the sacrament was administered to them, and Usher, the man of their choice, occupied the pulpit. This policy might recommend the man who suggested it to the court, but its influence in another quarter must have been of an opposite description. Soon after the death of James, Laud was translated from the see of St. David's to that of Bath and Wells; and on the decease of Buckingham, who had regarded him with peculiar confidence, and frequently availed himself of his talents and advice, the prosperous churchman rose to a much higher place in the esteem of the sovereign. In 1628, he was raised to the see of London, and soon afterwards became the most effective member of the privy council.*

His theological and political creed.

Laud's theological creed was that of Arminius; his maxims relating to kingly power were derived from the practice of the most despotic governments; and his notions with respect to forms of worship were scarcely distinguishable from those of the Romanist. On all these points his sentiments were generally known, and they were not more agreeable to the court than offensive to the nation. His sincerity ought not perhaps to be doubted. Men, distinguished alike by their intelligence and devotion, have sometimes sought relief from the perplexities of a calvinistic creed, in the less apparent difficulties of the arminian. The latter, in the judgment of those who embrace it, is more accordant

* Hacket's Life of Williams, 63. Aikin's Court of James I. I. 227.

with the revealed perfections of the Deity, and with the declared responsibilities of man. But it was unfortunate that this less repulsive faith, as it was conceived to be, became a prerequisite to ecclesiastical promotion. Nor was it less singular that it should be found the almost invariable associate of opinions which tended to perpetuate that arbitrary temper in the government of a nation, which it was especially framed to exclude from the government of the universe. According to this party, the Deity might do nothing without assigning a sufficient cause; but to apply the same law to his earthly delegates was to degrade them. With respect to the authorities of the earth, men were to be entirely passive; with respect to the authority of heaven, they were to be strictly free. They were to do nearly every thing for themselves with regard to eternity; scarcely any thing for themselves with regard to time. They were to exercise a sort of implicit faith; but it was not to have respect to the statements of a Being who is above the possibility of error, but to the policy of beings who have always shewn themselves to be ensnared by it. The juxtaposition in which we find these opposite creeds, must have resulted from some artificial cause. No natural process could have led to it. Laud, we may regard as verily persuaded that the sovereign was justly intitled to a much greater power in the functions of the state than any English parliament would be disposed to concede to him. The degree in which self-interest or weakness had served to produce this impression must be left to conjecture.

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His defence of obnoxious ceremonies.

On the matter of ceremonies, the point which brought the feeling of the prelate into the most frequent collision with that of the people, he shall speak for himself. It was in the following terms that he wrote to the king on this subject, so late as the year 1639:—"I have observed that no one thing hath made conscientious men more wavering in their own minds, or more apt and easy to be drawn aside from the sincerity of religion professed in the church of England, than the want of uniform and decent order in too many churches of the kingdom. 'Tis true, the inward worship of the heart is the great service of God, and no service is acceptable without it. But the external worship of God in his church, is the great witness to the world that our hearts stand right in that service of God. Take this away, or bring it into contempt, and what light is there left to shine before men, that they may see our devotion, and glorify our Father who is in heaven? And to deal clearly with your majesty, these thoughts are they, and no other, which have made me labour so much as I have done for decency and an orderly settlement of the external worship of God in his church. For of that which is inward there can be no witness among men, and no example for men. Now, no external action in the world can be uniform without some ceremonies; and these, in religion, the ancienter they be the better, so they may fit time and place. Too many overburden the service of God, and too few leave it naked, and scarce any thing hath hurt religion more, in these broken times, than an opinion in too many men, that because Rome had thrust some

unnecessary, and many superstitious, ceremonies upon the church, therefore the reformation must have none at all, not considering therewhile, that ceremonies are the hedge that fence the substance of religion from all the indignities which profaneness and sacrilege too commonly put upon it."*

It happened, therefore, that the objects to which Laud had made every acquisition subservient, were the diffusion of the doctrines of Arminius; the support of the crown in its contention with the advocates of popular liberty; and the assimilating of the forms of worship in the Anglican church in a much greater degree to the papal model, that being, upon the whole, the most preferable, on account of its fitness to excite the popular admiration, and its grave antiquity. Some things there were, both in the faith and polity of the Romish church, which

* Conference with Fisher (preface). The following passage on this subject is from a sermon preached at St. Paul's Cross, by John Hales, of Eton, and contains the great argument which the orthodox protestant was accustomed to direct against the popish recusant, but which was as often turned against himself by the puritans: "And here I may not pass by that singular moderation of this church of ours, which she hath most christianly expressed towards her adversaries of Rome, here at home in her bosom, above all the reformed churches I have read of. For, out of desire to make the breach seem no greater than indeed it is, and to hold communion and Christian fellowship with her, so far as we possibly can, we have done nothing to cut off the favourers of that church. The reasons of their love and respect to the church of Rome we wish, but we do not command, them to lay down. Unto our sermons, in which the swerving of that church are necessarily to be taxt by us, we do not bind their presence; only our desire is, they would join with us in those prayers and holy ceremonies which are common to them and us. And so, accordingly, by singular discretion, was our service-book compiled by our forefathers, *as containing nothing that might offend them, as being almost merely a compendium of their own Breviary and Missal; so that they shall see, in our meeting, nothing but that they shall see done in their own.*"—Works, I. 99, 100. From reasoning of this sort it was generally inferred by the puritans, that the fraternal feeling of the ruling clergy had always a much nearer connexion with Rome than with Geneva.

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this advocate of so much that was considered popish, was not prepared to receive. But his adherents deemed it creditable to his feelings and discernment, that the corruption of a part was not allowed in his mind to prejudice the whole.

Different sentiments of the puritans.

While the tenets of Laud on all these points were highly eulogized by the orthodox, they were as gall and wormwood to the puritans. By this body his theological opinions were regarded as false, papistical, and eminently perilous. Man in their view was a more depraved being than as represented in the scheme of Arminius; and his restoration to the divine favour and resemblance, was, in consequence, believed to result from a greater condescension of mercy, and from a greater power of renovation. He might not be lost to the principles or the affections upon which the relations of society in this world are founded. But the sympathies necessary to his entrance upon the connexions and pursuits of the heavenly state, were considered to be strictly alien from his nature. These may, indeed, exist within him, but it could only be as the gift of God, and as the result of a supernatural influence. They pretended not to comprehend that mysterious economy, by which the one is so often taken, and the other left. They consigned that difficulty to its place with those which beset all other creeds, and which equally beset the man of no creed. They were satisfied to recognize the development of a plan, old as eternity, and perfect as the nature of its Author, in every aspect of religion upon the earth, whether affecting an individual, a nation, or the world. Their faith knew

nothing of chance—nothing of creature wortniness—nothing of creature power. It filled all places with God; and regarding all agencies as dependant on him, it induced a fearlessness of man, and of the things which were supposed to be dependant on his favour or his wrath. Every religious service performed, so as to be acceptable to God, was viewed as proceeding from the aid of supernatural strength; as being, at best, imperfect; and as rendered pleasing to the Deity, less by its own excellence, than by the Redeemer's intercession.

But the faith which thus humbled them, was a faith which enjoined religious culture, and religious activity; and which did so with a cogency, a solemnity, and a pathos peculiar to itself, and with a success that was not less remarkable. In their devout contemplation, the past was ever intimately connected with the present, and the present was felt to be the embryo of the great and the good, which must adorn and endear the ages to come. The elements of nature, and the revolutions of time, the pressure of every breeze, and the balancing of every contingency, were, in their apprehension, part of a vast and unalterable apparatus of means, every movement of which was leading to some religious achievement, and was an approach nearer to those great ends, in which the Redeemer of the world should obtain his reward and be satisfied. While they meditated on these things, time often disappeared in the vastness of eternity; and the earth, with its transitory interests, faded into vanity before the brightness of a celestial kingdom—an eternal and boundless empire. The

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Sovereign of that empire was their Father: the privileges of that empire was their birthright. To the glory of that kingdom the fate of all others was tributary; and the connexion of man with the earth was chiefly valued because of that discipline of his spiritual nature, which is to prepare him in this world for assuming his appointed rank, at his appointed time, among the citizens of the skies. Man is said to ascend in the scale of rational existence, as the past or the future is allowed to predominate over the present; and who does not see that in the creed of the most unlettered puritan there was much to produce this elevation of nature?*

Remarks on the general character of that people.

But the enemies of the puritans affirm, that while prone to speculate on these doctrines, and to extract a pleasurable feeling from them, they were often negligent of truth, deficient in a sense of honour, and not always observant of honesty; and that amid great pretensions to humility, they were remarkable for the sullen pride of their

* Since the above was written, my attention has been directed by Mr. D'Israeli to an eloquent description of the puritan character in the Edinburgh Review, No. 82. Should the result of my obscure labour come under the notice of that gentleman, it is probable that his deeply offended taste will not be less outraged by this second eulogy on "barbarism, intolerance, and madness," than by the former. But, that the reader may judge of the chastened and unambitious style in which this writer applies himself to the more generous task of traducing this over-praised people, I transcribe the following paragraph: "The apostle of Geneva, by the bewitching terror of his dogmatic theology, had enthralled his followers for ever, by a mysterious bondage of the mind, out of which no human argument could ever extricate them—an immutable necessity! The dark imagination of the subtilizing divine had presumed to scan the decrees of Omnipotence, as if the Divinity had revealed to his solitary ear the secret of the creation. He discovers in the holy scriptures what he himself has called 'a most horrible decree.' Who has not shuddered at the fume of the distempered fancy of the atrabilarious Calvin?"—Commentaries, III. 258.

temper, and the general austerity of their manners. Those, however, who judge of the puritan character from what is known of the instructions which their teachers rendered so familiar to them, will be disposed to suspect the entire correctness of these often repeated charges. It will not be supposed that falsehood or dishonesty was unknown among that numerous people, since hypocrisy will find its place in all parties, and especially with that party where, in consequence of the general prevalence of sincerity, it is in the least danger of being detected. It is in such connexions that the most artful specimens of deception may sometimes be discovered. Judas was one of the twelve. Nor should it be surprising if persons so long accustomed to exercise their ingenuity in evading the devices of persecutors, were sometimes found to have acquired a little of that perverted dexterity in which their enemies had shown themselves to be so proficient. There was much in the circumstances of the puritans to produce a reserved and cautious manner, and to provoke some expressions of narrowness and bigotry, though the preceding pages sufficiently show that such feelings are not to be considered as peculiar to them. We find them cherished by the patriots as fervently as by the zealots, a fact that will hardly be learnt from the partial statements of our most popular writers. Their effort has too often been to connect the odium of persecution with the feeling of piety, and that for the purpose of rendering piety suspicious and degraded. That the puritans should

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be accused of fostering unsocial passions and spiritual pride, may be readily explained. That degree of self-respect, and that contempt of vulgar revelry, which the religion of the gospel so directly inculcates, even upon the humblest of its disciples, would be every where enough to call forth reproaches of this description. But with all their faults, and doubtless they had many, they were evidently men of the most frugal and industrious habits; the most moral portion of the community;—the sincere indications of a devout mind being of no frequent occurrence except within the limits of their body. Indeed, the piety of the age, whether found among the parochial or the dignified clergy, among such as conformed to the established church, or those who dissented from it, belonged almost entirely to this class of persons, viewing it as including the disciples of Calvin in theological opinion as well as in discipline. They doubtless had opponents whose religious integrity should not be questioned. But, considered as rival parties, the general qualifications of the puritan clergy, and the general sincerity of their followers, were such as to place the orthodox very far beneath them.*

* Mr. Hume quotes a certain contemporary of the puritans, as affirming of them, "that to the world they seem to be such as would not swear, whore, or get drunk, but they would lie, cozen, and deceive;" and from the pages of that historian, this choice bit of slander has passed, as usual, to the lips or the writings of thousands. The man who thus speaks was one sir John Lamb, the greater part of whose life was spent in intriguing against the puritans, and, indeed, against every one whose fall might in the least conduce to his own elevation. He is described, by one who knew him well, as "a creature of dark practices, the most hated of all that trod the earth in the county of Northampton, where he dwelt." Mr. Brodie remarks, that "he had been originally a schoolmaster; but having

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Their attachment to a more simple ritual.

But we have seen that the peculiarities which brought the puritans into most frequent conflict with the court clergy, were their opposition to that pompous ritual which the latter had borrowed with so much fidelity from the Romanist, and their temerity in presuming to question the right of the magistrate to impose such inventions on the church. The customs to which so much value was attached by one party, who considered them the chief aid and ornament of christianity, were despised by the other as a device of Satan, and as among the principal means employed by that arch enemy when allowed to change the religion of the Scriptures into that semi-heathenism which is meant by the word popery. It was urged by the advocates of these innovations that they were benevolently adjusted to produce such impressions on the senses as might prove subservient to clearer perceptions, and better sympathies, in the mind. But it was answered, that the whole affair was a substitution of childish mummery in the place of the sublimest realities. Its only effect upon the people was said to be to fix their attention upon

afterwards become a proctor, he was made dean of the arches,—an office in which he had been branded with many crimes under the hands of all the justices and gentry, and in two several bills to be presented to the parliaments in 1621 and 1624." Hacket states that bishop Williams brought this honourable person "off from his troubles, dubbed him a doctor, and a knight, settled him in his former offices, and got him more." What followed? The thing that was to be expected. "Lamb marked the revolution of the times, saw the bishop (Williams) discarded, and observed that he might pluck himself better fortune sooner by being his enemy than his friend:—an ungrateful creature, in the old time, was held to be a monster; now-a-days, none shall sooner be taken into play to be a state minister. Ingratitude is sir John Lamb's badge; perfidiousness, both his and Sibthorpe's." So worthy of credence was that witness, in whom Mr. Hume and the host of his followers could so implicitly confide! Rushworth, I. 428.

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the visible, to the exclusion of the invisible, and thus to wed the mind to the senses instead of raising it above them. That obedience, also, to the civil magistrate, as the power enjoining these observances, which was regarded by the one party as a principal virtue of religion, was considered by many among the other as a matter of doubtful obligation, and by some, as a degree of subjection inconsistent with a proper allegiance to that sovereign, whose claims are even more sacred than those of Cesar.

Thus the questions relating both to the church and the commonwealth, which had divided the kingdom into parties on the accession of the present monarch, continued to be agitated to the close of the fourth year of his reign. And it would have been well had these matters continued stationary. But in fact, the work of attack and defence was conducted with increased determination on both sides, either body receding farther from its opposite, as the effect of their stronger collision when brought into contact.

CHAP. VIII.

ILLEGAL METHODS OF RAISING MONEY FROM 1629 TO 1640.

FOUR PERIODS IN THE PRESENT REIGN. — THE KING'S PROCLAMATION RESPECTING FUTURE PARLIAMENTS. — PEACE WITH FRANCE AND SPAIN. — NEW POLICY OF THE COURT. — THE CABINET. — ILLEGAL METHODS OF AIDING THE REVENUE. — COMPULSORY KNIGHTHOOD. — REVIVAL OF THE FOREST LAWS. — MONOPOLIES. — ABUSE OF PROCLAMATIONS. — SHIP MONEY. — TRIAL RELATING TO IT.

Four periods in the reign of Charles the first.

THE reign of Charles the first divides itself into four parts;—the first extending from his accession to the dissolution of his third parliament; the second terminating with the invasion of the Scots; the third with the commencement of the civil war; and the last with the fall of the monarchy. The affairs which relate to the second of these intervals, reaching from 1629 to 1640, refer chiefly to the expedients adopted, with a view to replenish the royal treasury without having recourse to the grants of a parliament, and to the proceedings of the star-chamber, and high commission courts—the instruments with which it was hoped to subdue the political and ecclesiastical disaffection that had long marked the times, and which this novel plan of administration could not fail to augment.

We have noticed that soon after dissolving his third parliament, Charles issued a proclamation,

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1629—1640. March 22. The king's proclamation respecting future parliaments.

which was meant to justify what he had done. It stated that his conduct had been such as to show his love of parliaments; and that his present intention to dispense with them had resulted from the injurious temper discovered by those assemblies. This temper, indeed, had been such that he should account it presumption in any party who should prescribe a time for calling any new assembly of that character,—the existence of a parliament being solely dependant on his pleasure, and a thing to be expected when his subjects should learn to judge more favourably of his actions. The promise indeed still was, that the laws of the kingdom should be in all things observed. But while the court of parliament was suspended, the court of the monarch might place any provision of the constitution in abeyance, and, in such a state of things, temptations to this abuse of authority would be frequent and powerful. To the governed, indeed, nothing now remained beside open insurrection, or an unequal contest between the patriotism of individuals and the power of the crown.* Charles having decided on pursuing his "new courses," hastened to conclude a peace with France and Spain. These occasions of embarrassment, which should never have been created, and which had yielded nothing but disgrace, it required but little effort to remove.†

Peace with France and Spain.

1629—1630.

* Rymer, XIX. 62. Rushworth, I. Appendix, 1—11. See particularly Clarendon's Hist. I. 118, 119.

† "No provision," says Mr. Brodie, "was made for the restitution of the Palatinate; and the wretched Hugonots, who had been drawn into the war by his (the king's) assurances of support, were never considered in the treaty, but left to the mercy of the arbitrary government they had been seduced to provoke—thus justifying the sarcastic remark of Dr. Leighton,

At this period, a policy was resorted to by the court, which was a new thing in the history of the English government, and the success of which was too memorable to be forgotten. This was, to detach some of the most considerable persons in the country party from their associates by the secret proffer of rank and office. Sir Thomas Wentworth, sir John Savile, sir Dudley Digges, and the distinguished lawyers, Noy and Littleton, were all thus seduced from the banner of the patriots. It is obvious that Charles was not the man to have descended to prop his authority by such means, had not the temper of the age been considered as rendering some such movement strictly necessary.

New policy of the court.

Noy obtained the office of attorney, Littleton that of solicitor, general. Digges became master of the rolls. Savile accepted the place of comptroller of the household, with the rank of privy councillor, and was soon afterwards created baron. Wentworth, within a twelvemonth, added to the latter dignity that of viscount, with the office of lord president of the council of the north, thus preparing the way for his more dangerous authority, as viceroy of Ireland, and his short-lived distinction as earl of Strafford. Among the old members of the administration, sir John Cooke, and sir Dudley Carlton, acted as secretaries of state. The former is described as covetous, but he was also laborious; the latter had passed little

The cabinet.

" that all that pass by us spoil us, and that we spoil all that rely upon us."—Hist. II. 270. It should, perhaps, be added, that a war which had issued so miserably on the part of England, could hardly have justified any serious claim in reference to the Palatinate; that a strenuous effort was not made in behalf of the distressed Hugonots, is more liable to censure, though that would probably have been fruitless, and for the same reason.

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time in England, and was a stranger to the spirit of freedom which distinguished it. The great seal was retained by lord Coventry, a lawyer of much acquirement, and remarkable for the moderation of his counsels. The earl of Manchester held the privy seal; as a lawyer, he possessed both learning and experience, but his solicitude with regard to office and emolument made him the tool of those who had them to bestow. The man, however, who, at this time, braved the most in the cause of his master, was sir Richard Weston, chancellor of the exchequer, afterwards earl of Portland, and lord treasurer. By sir John Eliot, he had been denounced as the principal cause of the recent innovations in religion, and of the more flagrant encroachments on the liberties of the nation. With the aid of such men, but especially with that of Wentworth and Laud, Charles addressed himself, in the fourth year of his reign, to the dangerous enterprise of governing the people of England without convening their hereditary legislators, or their more immediate representatives, constituting the lower house of parliament.*

Illegal methods of aiding the revenue.

The recent grant of five subsidies, and the reduced expenditure in consequence of the cessation of war, had greatly lessened the king's necessities. But the property of the crown had suffered so great a diminution during the reign of James, that, to meet the average expenses of the government, it was still requisite to obtain considerable supplies from the subject. Tonnage and poundage

* Rymer, XIX. 34, 35, 254, 347. Clarendon, I. 80—117. Brodie, II. 238—268.

was, accordingly, levied, though the long promised consent of parliament had not been given; the previous rate of duty on certain articles was increased, and others, which had been hitherto free, were made subject to an impost. To secure this tribute, the officers of the customs were instructed, to enter, in the king's name, into any dwelling-house, warehouse, or vault, in search of property liable to such contributions, and to distrain the goods of such as proved defaulters as to the required payment. The people were thus made to feel that the boasted security of their property and their fire-side was indeed a mere boast.*

Compulsory knighthood.

There was a little more of the colour of law, though scarcely more of its reality, in the measure which obliged every man holding lands to the amount of forty pounds per annum, and who had failed to present himself to the king at his coronation to receive the order of knighthood, to pay a fine as the atonement of his negligence. This

1630.

* "Supplemental acts of state," observes Clarendon, "were made to supply defects of laws—and new and greater impositions laid on trade: obsolete laws were revived and vigorously executed, wherein the subject might be taught how unthrifty a thing it was, by too strict a detaining of what was his, to put the king as strictly to enquire what was his own."—Hist. I. 119. The subject, however, failed to make the application of this lesson which the government intended, though it was sometimes enforced by acts of the most violent nature. Richard Chambers, a merchant in London, dared to appeal to the laws of his country against the unauthorised demands of the crown. When before the star-chamber, he also dared assert that "the traders of Turkey were not more screwed up than the merchants of England." His sentence was to pay 2000*l.* and to be imprisoned until he should have made submission before the council, the star-chamber, and at the Exchange. These terms were not to be complied with; and his imprisonment, which lasted more than twelve years, was attended by the complete ruin of his circumstances.—Rushworth, I. 655, 670. *et seq.* II. 9. To the shame of the long parliament, this patriotic sufferer, though a "sturdy puritan," petitioned for redress, and appears to have petitioned in vain.

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practice was introduced by Henry the third: the usual summons had been issued by each of the Tudor princes; and it had not been overlooked by James or Charles. But, in later ages, this feudal custom was scarcely more than a form. In the present instance, if the exaction could be justly made at all, the altered value of money should at least have limited the mulct to persons holding military tenures to the amount of two hundred a year. But the class that should contribute was determined by the cabinet; and though the alleged delinquency had occurred some years before, and could hardly have been recollected by a single person as an offence, the fines were rigorously imposed, in some instances to a considerable amount, and in no case at a less rate than that of three subsidies and a half. The effect of this measure was to create much of that dissatisfied feeling among the landholders, which had hitherto been chiefly observable in cities, and among the trading portion of the community.*

Revival of the forest laws.

A circumstance which extended the spirit of complaint still higher, was an effort to revive the laws, which had been framed in remote ages, for

* Mr. Hume remarks, "Nothing proves more plainly how ill disposed the people were to the measures of the crown, than to observe, that they loudly complained of an expedient founded on positive statute, and warranted by such recent precedents." The most recent precedent, I believe, of enforcing this statute, was in the first year of Elizabeth. Beside which, the law in the statute book, and the rule acted upon by the court, were, as Mr. Hume well knew, two things. Nevertheless, the man who presumed barely to question the legality of this claim, found himself exposed to heavy penalties. Even Clarendon admits that the manner of proceeding in this case was "very grievous."—Rushworth, II. 70, 135, 214—219, 725. III. 135, 136. Parl. Hist. II. 948.

the protection of the royal forests. Our history abounds with remonstrances opposed to these oppressive statutes; and it was no secret that they had been frequently violated or evaded, sometimes in favour of the poor, and often in favour of the rich. But these encroachments on the wastes of the crown were, to a great extent, the work of past generations; and this sudden resumption of the king's almost forgotten claims, was numbered among the consequences of his determination to supply his wants without subjecting himself to the delays or restraints which he had found to be connected with the deliberations of a national council. The ravages to which private property became exposed by this expedient were truly alarming. Rockingham forest covered at this time about six miles: but its ancient limits are said to have been sixty, and the numerous parties who had become occupants of that vast district were amerced accordingly. Sir Christopher Hatton was sentenced in a fine of twelve thousand pounds, lord Westmoreland in nineteen thousand, and lord Salisbury in twenty thousand. The loyalty of these individuals must have been unusually generous not to have been diminished by such exactions.*

Monopolies.

We have seen that monopolies were frequently adverted to by the commons, as forming a principal and, for some time, an hereditary grievance. Some

* Clarendon's Hist. I. 120. Strafford's Letters, I. 335, 463, 467. II. 117. Beside instituting a commission to examine defective titles with respect to all lands formerly belonging to the crown, a project that could not fail to expose many innocent parties to much injury, Charles revived an old law against depopulation, called the Statute of Ely, which exposed proprietors to discretionary fines for converting arable land into pasture.

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important provisions were made against it before the decease of Elizabeth, and the statute referring to it under the late king was regarded as an important acquisition. At the present juncture this evil also was revived in the insidious shape of chartered companies, and on the plea that the last statute relating to it contained a saving clause in favour of new inventions. As the parties included in these companies paid a considerable sum for their patent, beside an annual tribute for its continuance, the articles to which it referred necessarily became more costly to the consumer. Hence the effect of the scheme was a system of taxation regulated at the pleasure of the court. The inquisitorial powers also, with which it became necessary to invest these companies, rendered them still more unpopular.*

Illegal use of proclamations

The reader has seen that James would have clothed those commands of the sovereign, called proclamations, with the authority of law, and that the lower house not only opposed this dangerous pretension, but procured a declaration which deprived them of all such power. Charles, however, resorted to these illegal instruments more frequently than his predecessor, and his necessities taught him to convert them into a source of profit. By such means we find him interfering with the matters of foreign merchandise, with agriculture and manu-

* The official papers belonging to this interval not only show that almost every article in daily use was made subject, in this way, to an unlawful tax, but that the civil authorities, after the example of the spiritual, had managed to convert the sins of the people into a source of revenue, by admitting a host of delinquents to compound for their offences.—Brodie, II. 276—278.

factures, and even regulating the price of provisions in the daily market.

Nor was it merely to such things that the surreptitious force of proclamations was applied. James had repeatedly prohibited the increase of buildings around the metropolis; but, as the judges had ventured to pronounce such prohibitions nugatory, the suburbs of the capital were daily extending. The number of buildings raised in the face of these prohibitions were said to yield an annual rent of a hundred thousand pounds. On a given day the proprietors were assembled before certain commissioners, and those who refused to compound for the alleged contempt were either heavily amerced, or sentenced to pay a yearly fine to the crown. We find also that these vexatious interferences of arbitrary power were not limited to the neighbourhood of the city, but were materially felt within its walls. From the age which first recognized the free man of Magna Charta, the rights of an English freeholder had been felt as a real and hereditary honour. But in these evil times all things were odious that chanced to operate as a check on the wilfulness of the monarch or the priest. Some houses near St. Paul's were represented as an injury to the appearance of that building. This may have been true, and their removal may have been very desirable; but what should have devolved on a higher authority was determined by his majesty's council, and on terms which that council, an interested party, chose to prescribe. The shops in Cheapside and Lombard-street were considered as spoiling that avenue to

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the same edifice; and by the same council they were ordered, with the exception of the goldsmiths, to be closed.

The corporation of London was not forward to execute these instructions. But their hesitation was not to go unpunished. On this account, and some others, advantage was ere long taken of their neglect, with respect to some conditions on which they held a prosperous settlement in Ulster. The settlement was not only declared a forfeiture, but the men who had made it what it was, were sentenced to pay an additional fine of seventy thousand pounds to the king. The citizens submitted; but these were things to be remembered.*

It may be proper here to remark that James, from a policy, the wisdom of which is rather doubtful, was a much greater enemy to the non-residence of the nobility and gentry at their country seats, than to that of the clergy on their cures, and as the sessions of parliament closed, he frequently issued proclamations, requiring them to quit the capital and return to their homes. The king professed to be concerned that his opulent subjects should preserve the character of English hospitality. But he was equally solicitous that they should have as little opportunity as possible of entering into political association and intrigue. It is, however, a little amusing to find, during the interval now under our notice, no less than

* Yet when the commons reversed this fraudulent sentence in 1640, Charles wrote to the lords to prevent their concurrence with it. His confirmation of it was among his efforts to conciliate the citizens after his return from Scotland,—but it was then too late. Evelyn's Memoirs, App. Rymer, Rushworth, and the Strafford Papers abound with illustrations of this arbitrary conduct on the part of the king and his ministers.

seven lords, sixty knights, a hundred esquires, and a long train of females, all cited, at one time, to answer in the star-chamber for having preferred the town to the country, notwithstanding the king's proclamation.

Ship money.

There was one line of policy which it behoved the advisers of the sovereign, at this crisis, especially to observe. The measures already adverted to, though sufficiently grievous to individuals, and, in some instances, to considerable portions of the community, were not such as to be immediately felt by the nation at large; and so long as the privileges of the subject were invaded merely in detail, the vessel of the government, though exposed to some boisterous opposition, might still make its way. Any event, however, that should operate as a general grievance, would assuredly serve as a rallying point to the individuals and the parties who had suffered from the more limited exercises of arbitrary power, and could hardly fail to impart unity and animation to their particular resentments. That love of country, which puts the selfish interest entirely in abeyance, is not a common passion; and the general effect of imposing a grievance upon a whole kingdom, is to call forth individuals who become distinguished by opposing it, and these new objects of popular regard may prove to be enlightened patriots or interested demagogues.

Obvious, however, as this result may be, it does not appear to have occurred either to Charles or his ministers until actually before them. It will be remembered that Noy, a lawyer of

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considerable reputation, was among the persons who, at the close of the last parliament, were lured from their place with the patriots by the offers of the court. This man had provoked the enmity of his former associates. He had to win the attachment of his new masters. His ingenuity and learning were accordingly employed in searching after precedents, and devising expedients, in aid of those very maxims which he had so recently been forward to oppose. At this time the dominion of the narrow seas had nearly passed from the English crown. The fisheries of the coast were visited with impunity by vessels from France and Holland; and various depredations were committed not only by the European powers hostile to each other, but by Turkish pirates, who scrupled not to carry off captives for the slave market from the coast of Ireland. Charles was, moreover, engaged in a secret treaty with the king of Spain, by which he had bound himself to aid that monarch in abridging the pretensions of the United Provinces—the condition being an interference of his catholic majesty in favour of the elector Palatine. This treaty, however, was one that could not be acted upon without the assistance of a considerable naval force; and to obtain the requisite supply of shipping, the evils which had arisen from the decayed state of the English navy were described, by the partisans of the court, as fraught with the utmost disgrace and danger to the kingdom.*

1631. Jan. 31.

* Strafford Papers, I. 68, 416. II. 25. Clarendon Papers, I. 49, 75, 83, 105—109, *et seq.* and II. App. p. xxvi. xxxii. Hardwicke Papers, II. 54. There

It was at this moment that the apostate vigilance of Noy was to obtain its reward. Among the neglected records in the Tower, he discovered certain writs, which, on particular emergencies, had been issued to the different sea-ports, and sometimes to the maritime counties generally, requiring them to supply a given number of vessels for the defence of the kingdom. These precedents were hailed by the courtiers, as promising to place the naval affairs of the country under the sole management of the sovereign; and as affording a powerful sanction to the mode of taxation, which it was their great concern to substitute for that which had grown up with the constitution. The writs were accordingly issued; some opposition was shown, but the measure so far succeeded, that it was resolved to extend the burden from the maritime counties to those in the interior. The yearly amount of money thus obtained, was somewhat more than two hundred thousand pounds. It appears to have been faithfully applied, as a fleet of sixty sail soon began to assert the supremacy of the English flag in the narrow seas.*

Oct. 20, 1634.

Noy died before the success of his experiment

Aug. 9.

were, at this time, the beginnings of those jealousies between the conductors of the commerce of England, and of the Netherlands, which broke out with so much violence at a later period. But the trade of England was almost in the hands of the puritans, and their attachment to civil liberty and to protestantism had hitherto kept them on fair terms with a people who had trodden so nobly on the yoke of Spanish and papal despotism. Unhappily, in the view of the English court, as now constituted, the existence of a people who could prosper thus without the aid of either kings or bishops, was little short of a foul blot in the map of Christendom. These secret negotiations, however, were all to be frustrated by the mutual duplicity of the parties concerned in them.

* Rushworth, II. 257, *et seq.* Strafford Papers, II. 337, *et seq.*

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was ascertained. It does not, indeed, appear that he had contemplated its application beyond the sea-ports, and even there he probably viewed it as relating simply to the providing of certain vessels, that should be employed during a certain time by the sovereign, and not in the light of a regular tax, which should find its way into the royal treasury, and be expended solely under the royal sanction. Had his life been spared, it would have been his lot to see that even for this object something was required beyond the occasional and obsolete precedents which his mercenary labour had supplied. It was not to be concealed that many resisted the claim, and that more, while yielding to it, protested against it as illegal. Charles accordingly deemed it important that his pleasure, in this matter, should be aided by a decision of the judges. Sir John Finch, the man who, as speaker, had refused to read the remonstrance of the commons in the last parliament, was raised to the place of lord chief justice; and he now claimed the gratitude of his patrons by inducing his brethren to declare, "that, as where

Nov. 1635.

the benefit redounded to the ports and maritime parts, the charge was, according to the precedents of former times, lawfully laid upon them; so, by parity of reasoning, where the good and safety of the kingdom were generally concerned, the charge ought to be borne by the whole realm."

This decision, disgraceful as it was to its authors, and important as it was to the court, left two vital questions untouched. It defined nothing respecting the circumstances which might be considered

as affecting the good and safety of the kingdom, neither as to the authority on which the determination of such questions should devolve. Hence the same men were soon called upon to repeat their former judgment, and to declare, moreover, that the sovereign should be the sole judge with respect to the existence of national danger, and with respect to the best time and means of providing against it.* Two of the judges, Croke and Hatton, ventured to dissent from this conclusion of their brethren, but allowed their names to appear among its signatures, on the doubtful plea that the minority were included in the majority. Feb. 1636.

The intention of Charles, and of his ministers, throughout this affair, are thus explicitly stated in one of Strafford's letters: "Since it is lawful for the king to impose a tax toward the equipment of the navy, it must be equally so for the levy of an army; and the same reason which authorises him to levy an army to resist, will authorize him to carry that army abroad, that he may prevent invasion. Moreover, what is law in England, is law also in Scotland and Ireland. The decision of the judges will therefore make the king absolute at home and formidable abroad. Let him only abstain from war a few years, that he may habituate his subjects to a payment of this tax, and in the end he will find himself more powerful and respected than any of his predecessors."†

* The reading of this opinion in the open court, by the lord keeper, is noticed by Rushworth as a thing not anticipated by the judges. II. 355, 356. But Charles had no private reason for claiming their decision.

† Strafford Papers, II. 61, 62. Lingard, X. 31.

CHAP. VIII. 1629—1640. Hampden.

While the expected overthrow of the constitution was producing these feelings of exultation in the cabinet, the cause of the people was about to receive the most important aid from the adventurous patriotism of an individual, hitherto unknown beyond the walks of private life. This was John Hampden, a country gentleman, who to this period had been chiefly distinguished by the mildness of his disposition, and the retiring modesty of his deportment. He was required to pay the sum of twenty shillings, the amount of an assessment, under the name of ship money, for the estate on which he resided in Buckinghamshire. The contribution was small, but the demand was fraught with the utmost danger to the liberties of Englishmen. Before complying with it, the humble patriot ventured to express a doubt as to the propriety of yielding to an extra-judicial opinion from the judges, and claimed to have the legality of the obnoxious tax fairly determined in the courts of law. The suit was so just in itself, and so modestly urged, that compliance was unavoidable. It is probable, also, that the king's ministers had presumed that a verdict in their favour would be easily obtained.

Trial relating to ship-money. 1637. Nov. 6.

During eleven days the discussion was continued before the judges and the barons of the exchequer. No name was now so familiar to the lips of the people as that of Hampden; and the progress of the debate to which he had dared to call their attention, was watched with the most eager solicitude by all parties. On the part of the sovereign, an appeal was made to the Anglo-Saxon

tribute, called Dane-gelt, and to some other practices of the same date. But it was contended in reply, that our notices of such customs are much too imperfect and contradictory to admit of any plea being founded upon them. Facts of a later date were then adduced, as showing that to obtain a requisite supply of shipping, the crown had often either pressed vessels into its service, or compelled the maritime counties to provide them. But it was objected, that no precedent could be derived from such facts in favour of the present writs, which, instead of calling upon the sea-ports, or upon the counties forming the coast of the island, to provide shipping, called upon the whole kingdom to pay according to a certain assessment in money. It was argued further, that the king should assuredly be allowed to exact such aid from his subjects, in cases of emergency, inasmuch as the time necessarily consumed in assembling a parliament, and obtaining assistance through that channel, might some day occasion the loss of the kingdom. To this favourite plea it was sufficient to reply that the present was evidently no such crisis, since the writs issued allowed six months to the preparation of the proposed navy—an interval affording ample room for the meeting and deliberations of a parliament. But satisfactory as these answers were, the most powerful argument of the popular advocates remained. There were statutes older than the race of our Stuart or Tudor sovereigns, which declared that no Englishman should be taxed without his consent; and this vital maxim of the constitution had been

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recently confirmed after the most solemn manner in the Petition of Right.*

The judges hesitated to pronounce their decision; but at the end of three months it appeared that seven favoured the claims of the crown, while five were rather favourable to those of the people. The delay of the courts of law bespoke the difficulties of the question, and served to increase the interest which the previous discussion had excited through the nation. The courtiers proclaimed the verdict, tardy and divided as it was, as a triumph. But the people were guided more by the arguments of the respective parties, than by the decision which followed, and from this time were generally satisfied that the imposition laid upon them, had been introduced without any real sanction from the laws of the realm, and for the covert purpose of superseding them. While many who had doubted before became thus decided; such as had protested already now did so more loudly. The question was, should the constitution of England consist of an absolute or a limited monarchy; should it henceforth include its representative and legislative assemblies—the ancient guardians of freedom and property, or be reduced to a mere band of courtiers, responsible to none except the master appointing them, and observant of no law save that of his pleasure.† Charles the

* State Trials, III. 826, *et seq.* Rushworth, II. 480, *et seq.*

† Berkley, one of the judges, remarked, in the case of Chambers, who does not deserve less of his country than Hampden, that there is a rule of law, and a rule of government—a distinction which made the government the executive of its own inclination rather than of the law.—Ibid. 323, 324. Laud saw the ill effect of this discussion on the king's interests, and deplored

first did not mean to become a Nero or a Domitian; and we may believe that his advisers were far from meaning to become the tools of any such monster. But the maxims which Charles and his ministers laboured to convert into custom, and through that medium into law, were precisely those which prepare the way for such specimens of paternal sovereignty. Of this some further evidence will be supplied by a brief notice of the proceedings of the star-chamber, and high commission courts, during this interval of misrule.

it bitterly. Strafford Papers, II. 170. Clarendon's Hist. 122, 127. We learn from Whitelocke that Croke, one of the judges, was on the eve of giving his verdict, contrary to his judgment, in favour of the king, but was deterred by the noble-minded admonitions of his wife, "a very good and pious woman," who told him, "that she hoped he would do nothing against his conscience, for fear of any danger or prejudice to him or his family; and that she would be content to suffer want or any misery with him rather than be an occasion for him to do or say anything against his conscience."—Memorials, p. 24.

CHAP. IX.

THE STAR-CHAMBER.

ORIGIN AND JURISDICTION OF THE STAR-CHAMBER. — ITS ABUSES. — NOTICE OF LEIGHTON—PRYNNE—BASTWICK—BURTON—AND BISHOP WILLIAMS.

CHAP. IX.

1629—1640.

Origin and jurisdiction of the star-chamber.

THE government which resorts to new methods of raising money, must create new offences, and should be prepared with new expedients to restrain them. As the provisions of established law can relate only to such acts as are a violation of law, the disobedience which has respect to the decrees of arbitrary power is not to be corrected except by extending existing regulations beyond their proper limits, or by adding to their number. But, to establish an arbitrary mode of punishment, for the purpose of securing obedience to arbitrary decrees, is to enlarge the bounds of tyranny; and to stretch the existing laws in any case beyond their original and certain application, is to corrupt them. The court of star-chamber partook, from the beginning, of a character of usurpation, for its power was felt long before its existence was recognized by any statute. But, while it was itself unknown to the law, it professed to limit its penalties to the violations of law. The time came in which it ceased to

be a usurpation; but, from the period in which it acquired a more legal character, it began to be corrupt, being extended by degrees to a multitude of cases which it was never meant to embrace.

This was especially the fact during the years in which Charles governed without a parliament. When the will of the king assumed the place of law, offences were created which were unknown to the constitution, and it was but consistent that the new crimes should be followed by new modes of conviction, and a new adjustment of penalties. To this exigency the court of star-chamber was terribly appropriate. It took cognizance of almost every suit and delinquency; it embraced almost every form of examination; and it possessed a discretion in inflicting punishment, which reached to every thing short of death, and the actual dispossession of freeholds. From a comparatively early period of our history, there was an authority exercised by the advisers of the crown, under the name of the king's council of state, which was intended to meet some important cases, for which the ordinary courts were not found to supply an adequate remedy. Out of the practice of that council, rose the court since known, from the place of its meeting, by the name of the star-chamber. It appears to have consisted originally of the members of the council, ex officio, together with a number of the spiritual and temporal peers, and two of the twelve judges. It derived a sort of legal establishment from a statute under Henry the seventh; and during that and the following reign, the king's ordinary court, as it was then called, was

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considerably active, sometimes advantageously, and often otherwise. Subsequently its powers came to be exclusively exercised by the privy council; and from that period, to prevent its encroachments became a work of increased difficulty and importance.

This court, as we have stated, took cognizance both of civil suits and criminal charges. In the former—somewhat on the principle of our courts of equity, it admitted evidence that would not have been admissible in the courts of law; in the latter, it went far towards visiting the criminal intention, and that upon slight grounds, with the punishment due only to the act of offending. Thus, not only the act of treason, but the spreading of news which it might be convenient to interpret as seditious, was sometimes followed by severe penalties, and to utter a scandalous report of a man in power, was to endanger the loss of nearly every thing short of life. It is scarcely necessary to add, that of that grand safeguard of English liberty, trial by jury, the court of star-chamber knew nothing.

That such a tribunal should become the frequent instrument of tyranny, was, in the present state of human nature, inevitable. Hence, its authority was sometimes employed to enforce loans, to intimidate juries, and to attach the authority of statutes to royal proclamations. To account for the submission of our ancestors to its uncertain, and frequently unlawful, proceedings, through so long a period, we must suppose, that along with its evils it possessed some important advantages. But, for some time before the accession of James the first,

its beneficial operations would seem to have been of very rare occurrence. Of this the reader will judge from the following notice of its uses, by a writer in the early part of the reign of Elizabeth. "It is the effect of this court to bridle such stout noblemen or gentlemen which would offer wrong, by force, to any manner of men, and cannot be content to demand or defend the right by order of the law. It began long before, but took augmentation and authority at that time that cardinal Wolsey, archbishop of York, was chancellor of England, who of some was thought to have first devised that court, because that he, after some intermission, by negligence of time, augmented the authority of it; which was at that time marvellously necessary to do, to repress the insolency of the noblemen and gentlemen in the north parts of England, who being far from the king and the seat of justice, made almost, as it were, an ordinary war among themselves with their tenants and servants, to do or revenge an injury one against another as they listed. This seemed not supportable to the noble prince, Henry VIII.; and sending for them, one after another, to his court, to answer before the persons before named, after they had remonstrance shown them of their evil demeanour, and been well disciplined, as well by words as by fleeting (imprisonment in the Fleet) awhile, and thereby their pride and courage somewhat assuaged, they began to range themselves in order, and to understand that they had a prince who would rule his subjects by his law and obedience. Since that time this court has been in more estimation, and is

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continued to this day in manner as I have said before."*

Its abuses.

It is, doubtless, important that a government should provide thus against the turbulence of the powerful, no less than against the arts of the corrupt; and where the existing institutions are not equal to that end, it is surely better that a lawful power should be stretched a little beyond its intended limits, than that notorious delinquents should go free. But under Charles the first, the state of the law and of society were not what they had been during the early days of the Tudor dynasty. The causes, indeed, which gave being to this memorable court were no longer existing. But the age in which this becomes obvious, is that in which the activities of the star-chamber were the most frequent, and the most formidable. Under the iron rule of the first Tudor sovereign, it was made to effect what was usually accomplished by means of a standing army; and the Stuart princes would have retained it in its pristine vigour for the same purpose. The principles on which it was founded had never been so obnoxious with the body of the nation, and, at the same time, were never so important in the esteem of its governors. A more unhappy season in which to ply the machinery of despotism could not well have been chosen; and a more fixed determination to do the utmost by such means could hardly have been shown, than was evinced at this very time by Charles and his ministers.

* Smith's Commonwealth of England, Book III. c. 4. *et alibi.* Hudson's Treatise of the Court of Star-Chamber. Brodie, I. 159—195. Hallam, I. 49—60, 484. *et seq.*

A few examples will best illustrate the licence assumed by this court, and will show the causes of that terror and aversion which its proceedings are known to have inspired. Alexander Leighton, who was a native of Scotland, and a divine of respectable learning, dedicated a treatise to the last parliament, intitled Sion's Plea against Prelacy. Doctor Heylin has accused the writer of urging that assembly "to kill all the bishops," and to make out this malignant charge, has cited words, as from the Plea, which are not to be found there, but, on the contrary, are in direct opposition to passages which distinguish very carefully between the office of the prelates and their persons. The amount of Leighton's offending was his bold censure of episcopal tyranny, his invoking the parliament to abolish the hierarchy, and a somewhat rude allusion to Henrietta, as "a daughter of Heth." He describes the interval from the decease of Elizabeth, as marked with disgraceful persecutions, and declares the bishops to have been the chief cause of so much maladministration in the church and the state.

1630. Notice of Leighton.

The work was published in Holland, and as a single copy of it could not be procured for less than twenty shillings, it is plain that it could not have been much circulated in this country. On the dissolution of the parliament, some effort was made by the author to suppress it,—in consequence, probably, of finding himself exposed by that event to the unchecked resentment of the court. But this effort was of little avail. The sentence of the star-chamber was, that

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he should pay a fine of 1,000*l.*, be degraded from his office, and publicly whipped; that he should stand in the pillory at Westminster, and there suffer the loss of one ear, have one side of his nose slit, and his cheek branded with the letters S. S.—meaning a sower of sedition. After a convenient time, by which was meant, until the previous wounds should be in some measure healed, the sentence required that he should be again scourged, and again placed in the pillory, and that, after losing his remaining ear, and the remaining half of his nose being slit, his person should be committed to prison during life. Such too was the feeling with which Laud heard this barbarous sentence pronounced, that he immediately rose, removed his cap from his head, and rendered audible and solemn thanks to Almighty God! Nor was the penalty, the sound of which was so delightful in the ears of this chief shepherd, in the least degree mitigated. But the fortitude of the sufferer marred the policy of his oppressors. It brought upon *them* the execrations of the people, and vested *him* with the honours of martyrdom. This resolute bearing, however, appears to have been interpreted as a new crime, and his long imprisonment was made to be a sort of lingering torture.*

* It should not be concealed that this injured man was far from being of a tolerant temperament himself. The Dutch, he describes as the disciples of Machiavel and the sultan Solyman, because they partially tolerated catholics, a practice which he describes as equally contrary to the law of God and the "profit of the state."—Sion's Plea, 135, 2d edit. This may lessen our sympathy with the sufferer, but it does not lessen the guilt of his oppressors. When conducted to Newgate, he was loaded with irons, cast into a loathsome hole, overrun with vermin, and left without food, or the means of allaying his thirst, for two nights, and nearly two days. Through the first

Notice of Prynne. 1632. Feb 7.

This disgraceful transaction belongs to the year following the dissolution of parliament. The next year was marked by proceedings equally expressive of the character and intentions of the court. The case of Prynne is well known. He was a barrister of Lincoln's inn; a man of a gloomy temper, but not less remarkable for his studious habits, and the stores of his learning. He published a ponderous volume, which was designed to shew that the theatre, and all similar amusements, were of the most pernicious tendency. The court, the prelates, and the common people, all in their turn, came under the class of offenders, and are described as contributing to bring in heathenism, licentiousness, and ruin. It happened that, six weeks after this book was given to the world, the queen performed a part in a masque at court; and the enemies of the writer were malicious enough to apply to that illustrious person the language which his book contained, respecting the general immorality of actresses. The tendency of the work was declared to be dangerous and seditious, and the author was adjudged to pay a fine of 5,000*l.*, to be excluded from the bar, and from Lincoln's Inn, to be degraded at Oxford, to stand in the pillory at Westminster and Cheapside, to lose his ears, to see his book committed to the flames by a common hangman, and to be imprisoned during life! This

fifteen weeks, no friend, not even his wife, was allowed to approach him. In the mean time, his house was rifled by the officers of the commission court. The reader will judge of the courtesy of these familiars, from the fact, that in one instance a pistol was placed at the breast of a little boy, about five years old, with a threat that he should be killed if he did not discover to them his father's books and papers. It is said the child never lost the effect of its terrors.—Brodie, II. 311.

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sentence was also executed with relentless precision.*

Two years later, Prynne appeared before this dreadful tribunal a second time, in company with Bastwick and Burton, the former a physician, the latter a clergyman. While in his cell, Prynne had contrived to issue a tract, intitled, "News from Ipswich," in which, with a violence equal to any thing in his former publications, he charged the prelates with having effected a multitude of innovations, all adapted to suppress the doctrine of the gospel, and to favour the return of popery.

1634.

Bastwick.

Bastwick's treatise was directed against the divine institution of bishops. But it was contended that the object of the writer was not to discuss principles, but to libel individuals, meaning thereby to impair the credit of the government, and to spread disorder through the kingdom. He was accordingly doomed to pay a fine of 1,000*l.* to the king, to be suspended from the practice of his profession, to be imprisoned two years, and to make a recantation of his errors. From his place of confinement, nearly two years later, he contrived to send forth a second pamphlet; but, judging from its contents, his sufferings had by this time affected his brain, so extravagant is the language in which he adverts, not merely to the tyranny of the prelates, but to such matters as the rochet and surplice.†

1635.

* Rushworth, II. 220—241. State Trials, III. 561, *et seq.* Heylin's Life of Laud, *ubi supra.*

† The following appeal, however, occurs in the last publication: "What is cruelty, if this be not? To keep a poor man close prisoner a year and a half, to the starving of him and his; and that only for writing a book in defence of

Burton was chaplain to Charles, when prince of Wales, but had been suspended from his functions for delinquencies similar to those of his fellow-prisoners. His suspension was by a sentence from the high commission court, and he ventured to publish a vindication of the discourse to which it referred. But this production contained severe reflections on the court clergy, and was taken up as a new and more serious offence. Burton. 1636.

Laud procured information to be filed against these men in the star-chamber.* Each came prepared to enter on his defence, but no two counsellors could be induced to appear in their behalf; and from the want of this formality, their answers, according to the rule of the court, were not to be delivered. Their defence, had they been allowed to proceed with it, would have been far from availing them any thing, as it appears to have been their determination to repeat the charges which they had preferred

that religion that is established by public authority, and to the honour of the king, and the glory of his majesty, against papal usurpation, provoked thereunto by an adversary of both?" The production, it should be remembered, was in reply to a catholic. It was written in Latin, and with considerable elegance.

Mr. Brodie remarks, that the writer's offence to the primate and his dependants, was, in asserting the king's supremacy in ecclesiastical affairs, the times having so far changed, that the prelates began to affect that independence of the civil power which had been so often censured in the catholic clergy. The account in Whitelocke (p. 22) favours this conclusion, who adds that "Something was noted to pass from him (Laud) and other bishops in defaming the holy scriptures; and Calvin was very much slighted and abused by them." For a specimen of Bastwick's extravagance in his second tract, see Dr. Lingard's Hist. X. 17.

* Rushworth, III. App. 122—132. Burton's obnoxious sermon affords very creditable proof of his talent, but his asperity rendered him justly liable to the correction of his superiors. Thus his opponents were "blind watchmen, dumb dogs, ravening wolves, antichristian mushrooms, robbers of souls, limbs of the beast, and the factors of antichrist." His adversaries certainly did much to justify some of these epithets.

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against their adversaries, in the most resolute terms, and to brave the utmost stretch of their malice. Such, however, was the intimidation produced by the power of this court, that had these unhappy men been disposed to pursue a much milder course, they would probably have looked in vain for that legal aid, without which it must have been their lot, not only to have fallen before it, but to have fallen without a hearing.* Such was their fate. The sentence pronounced, adjudged them to pay 5,000*l.* to the king, to stand two hours in the pillory, to lose their ears, and to be imprisoned during life.† While in the pillory, they made an animated appeal to the populace, who applauded their constancy, sympathized with their sufferings, and as the knife of the executioner was applied successively to their ears, expressed abhorrence of the deed by groans and hisses.

June 14, 1637.

They were afterwards consigned to separate prisons in the islands of Scilly, Guernsey, and Jersey. In their journey from the capital to their respective places of destination, they saw the roads crowded with people, thousands vieing with each other to do them honour, as martyrs in the cause of freedom and religion. These expressions of popular feeling should have taught the archbishop, that the war he had to wage related not to individuals so much as to principles and passions pervading a large mass of the community, and these untangible adversaries were hardly to be overcome by any violence short of that which

* See the case of Fuller, pp. 279, 280, of this volume.

† State Trials, III. 711, *et seq.*

should extirpate the parties influenced by them. We are told that he became alarmed. But the only effect of his apprehension was to dispose him to greater severities. The multitude who had dared to sympathize with the culprits could not well be brought under the lash of a state prosecution. Certain of the inhabitants of Chester, who had shown some hospitable attention to Prynne, when passing through that city, were more within his reach. These were severally fined, from 250*l.* to 500*l.*, and were compelled to acknowledge their fault in the cathedral of York, and before the corporation and citizens of the place where their crime, as it was called, had been committed.*

There is no cause so good as not to be deservedly suspected, when made to depend on such means of vindication. The effect of these proceedings was to extend that disaffection to the protestant hierarchy, which, from similar causes, had been long since directed against its popish predecessor. It will be remembered that the persons, on whom the indignities now described were inflicted, belonged to the several professions of

* New Discovery of Prelates' Tyranny, 91—97. The terror inspired by these proceedings was not sufficient to prevent the multiplication of obnoxious pamphlets. Regulations the most cautious and severe that could well have been devised were issued from the star-chamber to bind the press. Rushworth, III. App. 306. "A little more quickness in the government," says Laud to Strafford, "would cure this itch of libelling, and something more that is amiss besides." He laments, however, that this "more quickness" was hardly to be infused into it. His correspondent is of the same mind, and prays very devoutly that "*God of his grace*" may bestow the energy so much needed. That is, that the Fountain of Benevolence would assist men to do more merciless things than were done to Prynne, Bastwick, and Burton! Such is the prayer of Mr. Hume's "magnanimous statesman;" such, too, was the religion, or rather fanaticism, of these leaders in the crusade against puritanism. Strafford Papers, II. 99—104, 119—136.

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law, medicine, and divinity. It had always been known, that no rank could place an offender beyond the reach of the court of star-chamber; but it remained for the zeal of its present functionaries to show, that it could inflict the most degrading penalties on offenders belonging to the most respectable classes of society.

Case of bishop Williams.

Williams, bishop of Lincoln, had been an early friend of Laud, and with much difficulty had procured his appointment to the see of St. David's. But as a courtier, the protegée contrived to supplant his patron, and the warmest professions of friendship were succeeded by the most deadly enmity. During his exclusion from the council, Williams applied himself chiefly to study, but his wounded feeling was sometimes strongly expressed. He one day remarked, that the puritans were not to be managed by severity, adding, that he had ventured to state so much to the king, and that it was favourably received. On the ground of this

1628. statement, he was accused, in the star-chamber, of having divulged the secrets of state, contrary to his oath as a privy councillor, and of having given birth to rumours injurious to his majesty's government.

In the course of the prosecution, which was long protracted, this miserable ground of accusation was abandoned; but, on a new charge of

1637. tampering with the king's witnesses, the bishop was adjudged to be suspended from his office. There are few malicious men who would not have been satisfied with having thus far humbled an opponent. It happened, however, that the royal officers, in taking possession of Williams's effects, discovered a

letter, received from one Osbaldistone, a schoolmaster, in which an allusion was thought to have been made to Laud, under the names of the "little urchin," and "the little great man," and on the ground of this surmise, a third prosecution was commenced, and the prelate was sentenced to pay an additional 5,000*l.* to the king, and 3,000*l.* to the archbishop. The whole crime of the delinquent, in this last case, consisted in receiving a letter, containing a disrespectful allusion to a member of his majesty's council, without disclosing it. Such were the facilities of this court in creating offences, and crushing an adversary. Laud was not quite insensible to the odium which this transaction would probably bring upon him, but his thirst of revenge outweighed his fear of reproach.* 1639.

These examples occur in the order in which we have noticed them, and are enough to show the spirit of intimidation with which the affairs of this kingdom were managed during the twelve years in which its only real law was the pleasure of the king and his council. Ship-money continued to be levied, together with a similar toll for the army, under the name of coat and conduct money. Articles of merchandise became subject to new imposts, or were made the matters of chartered monopoly, almost without end. To resist was to be overpowered by the despotism of the

* Rushworth, II. 416—449. State Trials, III. 770. Hacket's Life of Williams, Heylin's Life of Laud, and Laud's Diary, *ubi supra.*—Strafford Papers, I. 480, 490, 504, *et seq.* Brodie, II. 349—373. The last writer has given an extended notice of this transaction. He believes, however, that there were other cases occurring at this time that were, upon the whole, still more disgraceful.

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star-chamber. Hence few had courage to do so, even though bitterly sensible, that, to acquiesce was to become parties to measures directly opposed to those noble immunities which a provident ancestry had bequeathed to the nation. The revenue, through this period, from all sources, legal and illegal, amounted to about a million a year. The fines imposed in the star-chamber were sometimes obtained by individuals, but generally passed into the exchequer, and by their frequency and their weight, warranted a suspicion, that the object, in attaching so many causes to that tribunal, which, like the rod of Moses, swallowed up the rest, was to make it subservient to the necessities of the crown, as well as to accustom the people to the exercise of such irregular authority, until it should acquire the force of law.

CHAP. X.

COURT OF HIGH COMMISSION.

STATE OF THE HIGH COMMISSION COURT IN 1583 — EXTENT OF ITS JURISDICTION — ITS PROCEEDINGS AGAINST BERNARD—SMART—CROWDER — BREWER — FOXLEY — AND OTHERS. — FREQUENT CRUELTY OF THE COMMISSIONERS. — EMIGRATION OF THE PURITANS — PROHIBITED BY THE GOVERNMENT — TYRANNICAL CHARACTER OF THAT MEASURE. — LAUD'S INVASION OF THE PRIVILEGES OF THE FRENCH AND DUTCH CHURCHES. — EFFECT OF THIS INTOLERANCE.

THE discontent excited by the proceedings of the star-chamber was greatly increased by those of the high commission court. If the former was the special foe of liberty in the state, the latter was equally opposed to it in the church, and owed its origin to the act of supremacy which had transferred the substance of that power to the English crown, that had been so long exercised by the pontiffs.*

State of the high commission court in 1583.

Elizabeth could appoint commissioners according to her pleasure, whose province it should be to ascertain and correct all heresies, and all disorders, subject to ecclesiastical authority. In 1583, this court consisted of forty-four persons, including twelve prelates, and the majority of the privy council, besides others, chosen from among the civilians and the clergy. It was the office of these persons to inquire, from time to time, either by

* See pages 15, 28, 29, 71, 126, 129—138, 293, 295, 303.

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the oaths of twelve good and lawful men, or by any other means which they could devise, with respect to all offences or contempts, contrary to the acts of supremacy and uniformity. They were to take cognizance of seditious books, heretical opinions, false rumours, or talks, and slanderous words; to punish incest, adulteries, and all such delinquencies; and, in prosecuting these objects, they were empowered to examine suspected persons on oath, and to chastise any contempt of their orders, not only by excommunications, but by fines and imprisonment. All this, moreover, could be done by any three commissioners, one of them being a prelate.*

Extent of its jurisdiction.

It will be seen that the authority of the court, including this union of clergy and laity, with the sovereign at their head, extended to all those questions which, during the middle ages, fell under the exclusive cognizance of the priesthood. Hence every bishop's court through the kingdom was a branch from the court of high commission, and the parties

* Strype's Annals, III. 180 Neal, I. 109, 110, 167—172, 177, 235—248, 330—337. There had been five commissions issued by Elizabeth, before this of 1583, and each appears to have been introduced for the purpose of aiding some new encroachment. The last may be seen in Toulman's edition of Neal, 330—332. Neal, it will be supposed, censures the instrument generally, but he complains particularly that the commissioners were not limited to "LAWFUL *ways and means*," in their search after heresy. Dr. Southey justly remarks, that a limitation of this nature occurs twice in the very commission referred to. (Book of the Church, II. 299.) It is singular that Neal should have overlooked this fact. His accuser attributes it at once to prejudice and dishonesty. But persons less prejudiced in these things than the Laureate, will think it at least possible, that the mistake may have resulted from some less censurable cause. This is less difficult to believe, as the two clauses adverted to are almost lost amid a multitude of others that seem to have been purposely ambiguous. The practice also of this court soon came to be quite as lawless as it could well have been, had no such limitation been found in its instructions

resisting or slighting the authority of an inferior tribunal, were usually summoned to appear before the superior, and there were generally taught the necessity of obedience. The power of excommunicating offenders would not have sufficed to uphold this inquisitorial authority, but fines and imprisonments were more formidable weapons.

The right of the court to award such penalties had been questioned and denied, both by the house of commons and the judges, during the last reign. It was chiefly by resisting these encroachments of the ecclesiastical courts on the province of the courts of common law, that sir Edward Coke had incurred the displeasure of James. So far, however, was this disputed practice from being discontinued during the reign of Charles, that even according to his apologists it had never been so oppressive as through the years now under review. The parties prosecuted before this tribunal were not only the puritan clergy, but offenders against the laws of morality, who were selected moreover from the rich as well as from the poor. In every part of the kingdom persons of influence might be found who had been called to do penance, or to pay heavy fines, as the punishment of some alleged offence against morals. Many of the fines so imposed were appropriated to the repairing of St. Paul's cathedral; and the zeal of the archbishop in reference to that object, was generally thought to be a principal cause of this obtrusive interference with respect to matters of public decency. In the view of the puritans, the practice of the court by which

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they were so often deprived of their livings, their liberty, or their possessions, was a formidable part of that machinery, the design of which was to exile the religion and the liberties of their country. The patriots, it was well known, loathed the tyranny which it daily placed before them; and while the pride of the wealthy was offended by the control which it exercised, the passions of the vicious taught them to long for the fall of a system of inquisition which interfered so materially with their favourite indulgences. In all these affairs Laud was regarded as the prime mover, and all these classes soon learnt to extend their dislike of his general policy to his person.

Notice of Bernard.

A few instances will suffice to show the character of the proceedings in the high commission court, through this interval, with regard to the puritans. Bernard, a lecturer in the metropolis, had presumed to pray before his congregation that the queen's majesty might be converted from her state of superstition and idolatry. In the presence of the commissioners he professed to regret this excess of devotion, and was dismissed. But venturing to oppose the arminian theology, and to question the propriety of the new ceremonies, he was suspended and excommunicated, and a fine of 1000*l.* was followed by costs of suit and imprisonment. The preacher expressed his willingness to apologise for any thing unbecoming in the language of the sermon that had given so much offence; but could not pledge himself to any renunciation of what it contained. This, however, was the demand of his judges, and after suffering much from

1629. Jan. 28.

1632. May 6.

confinement, he found himself reduced to the lowest poverty.*

Smart, a prebendary of Durham, was a more distinguished offender of the same class. He had dared to censure the placing of images and pictures in churches, and some other innovations. After remaining a prisoner nine months, he was conducted from York to Lambeth, and again from Lambeth to York. He was then deprived, excommunicated, and fined 500*l.*, and was indebted to the long parliament for his release from an imprisonment which had lasted eleven years. By the puritans he was esteemed a sort of protomartyr, and they are said to have raised him an annuity of 400*l.* by private subscription.†

Smart. 1630. 1641.

It will be remembered that the patriots in the house of commons had recently obtained a most

* Rushworth, II. 32, 140—142. One of Bernard's offences consisted in asserting that the Gospel is the power of God to salvation in the case of those only who were ordained from eternity to receive it. The confession required of him, was that this was not only a false interpretation of the passage, but one introduced for the mere purpose of siding with certain "ill-raised differences." But the following passage contains the chief offence of the preacher, and it is inserted as exhibiting something of those enlightened views with regard to the ends of civil government, by which the body of the puritans were distinguished. "If God's ordinances for his public worship in their purity are the glory of a nation, then it follows that they who go about to deprive a nation of any of these, either in whole or in part, they go about to make that nation base and inglorious; and if so, then are they enemies to that nation, and traitors to it, if it be their own nation. *For treason is not limited to the royal blood, as if he only could be a traitor who plotteth and attempteth the dishonour or the shedding thereof, but may be, and is too often, committed against the whole church and nation; which last is so much the worse of these two, by as much as the end is better than means, and the whole of greater consequence than any one part.*"

† Fuller, XI. 173. Wood's Athenæ Oxon. II. 11. Nalson's Collections, I. 518, 519. II. 406. Grainger's England, II. 177. Nalson has given some passages from Smart's sermon, with a view to justify the proceedings against him. The extracts, however, merely express the general sentiment of the puritans with regard to the new ceremonies.

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solemn recognition of the law which required that no Englishman should be deprived of his liberty without lawful cause, nor without being apprised of that cause. Smart was a prisoner four months without obtaining this information. The case of Crowder, another puritan divine, was marked by the same illegal method of proceeding. The last, indeed, was even deprived of his living without the formalities of a charge or investigation. According to his enemies, his offences were too disgraceful to render exposure desirable. But his friends contended, that the more serious the accusation, the more reason was there for making it public; and this refused, it was insisted that his chief delinquency was in preaching twice on the Lord's-day, contrary to the injunction of the primate.*

Crowder.

The court which could thus evade the forms of prosecution, on a plea of moral delicacy, does not appear to have been always affected by such scruples. An accused minister applied some time afterwards to the earl of Dorset for his interest with Laud, and was assured in reply that, had his offence been some matter of drunkenness or impurity his enlargement might have been obtained; but "the sin of puritanism and non-conformity" was declared to be "unpardonable."† This inversion of things is the never-failing effect of bigotry.

One preacher described the gospel as on tip-toe in its way to America: another affirmed that night must be at hand, as the shadows of religion had become so much larger than the substance. But

* Neal, II. 197.

† Dorset was one of those courtiers who were no parties to the primate's superstition and intolerance. Rushworth, II. 156.

these sallies of ingenuity were dangerous things. Both were suspended until they should profess to repent of these expressions. It was by this court that a baptist minister, Brewer by name, was sentenced to suffer imprisonment, which extended to fourteen years; and that a clergyman of the name of Foxley was confined twenty months in a narrow chamber of the Gate-house, separated from the intercourse of friends, and denied the means of writing to them. Of his crime also he remained in ignorance to the close of that period, and could only presume that it consisted in having spoken favourably of the zeal of certain gentlemen who had employed their property and influence in placing devoted ministers as lecturers in some of the principal towns.*

Brewer.

Foxley.

Frequent cruelty of the commissioners.

It is plain, from these, and many similar, facts, that, in the esteem of the present race of commissioners, the most sacred laws of the constitution were trivial things whenever opposed to their own scheme of supremacy. Severe, too, must have been the concealed torture extended by such practices to many a conscientious bosom. Their effect was to compel a large portion of the puritan clergy to choose between a famished household, and a course of action which they believed to be sinful. One of these sufferers has recorded his feeling on this point in the following language :—" If I come into trouble for non-conformity, I resolve, by God's assistance, to come away with a clear conscience; for, though the liberty of my ministry be dear to me,

* Neal, II. 285. Brewer and Foxley were set at liberty by order of the long parliament soon after its meeting. Rushworth, *ubi supra.*

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I dare not buy it at such a rate. I am troubled at my former subscription; but I saw men of good gifts, and of good hearts (as I thought) go before me, and I could not prove that there was any thing contrary to the word of God, though I disliked the ceremonies, and knew them to be unprofitable burdens to the church; but, if I am urged again, I will never yield. It was my weakness before, as I now conceive, which I beseech God to pardon." This was written in 1627. But in 1631 we find the same man recording his penitence for having so far yielded to the struggle of nature as to violate this solemn vow. There is reason to believe that the hearts of many were really broken by the self-reproach thus induced.*

Emigration of the puritans.

One effect of these severities was to lead many thousands of the most upright and industrious of the people to determine on leaving their country in favour of America. The year in which the king's third parliament was dissolved, was that in which the colony of Massachusetts Bay was founded. During the years of disorder in church and state which followed, four thousand persons, possessing sufficient property to become planters, left England, and became resident in that settlement, and in the sister settlements of Plymouth, Connecticut, and New-haven. The historian of the puritans possessed the names of nearly eighty clergymen, who, in the course of the same period, accompanied these exiles to the New World. Among these was Dr. Elliot, whose zeal procured him the honourable appellation of the Apostle of the Indians, and

1629.

* Neal, II. 251, 252.

whose perseverance supplied that people with the sacred scriptures in their own tongue.*

Prohibited by the government.

This spirit of emigration at length excited the alarm of the court, and Charles was prevailed with to issue the following proclamation:—"The king being informed that great numbers of his subjects are yearly transported into New England, with their families and whole estates, *that they might be out of the reach of ecclesiastical authority*, his majesty, therefore, commands that his officers of the several parts should suffer none to pass without license from the commissioners of the plantations, and a testimonial from their ministers of their conformity to the order and discipline of their church." This vigilance was soon extended from the laity to the clergy. "Whereas, it is observed, that such ministers as are not conformable to the discipline and ceremonies of the church, do frequently transport themselves to the plantations, where they take liberty to nourish their factious and schismatical humours, to the hinderance of the good conformity and unity of the church; we, therefore, expressly command you, in his

1637. April 30.

1638. May 1.

* Neal, II. 182—186, 197. Some of my readers may not be aware of those scenes of private suffering which led these devout men to abandon their country in such numbers. The following notice is taken at random from a multitude which the story of those times would supply. Mr. Thomas Sheppard, A. M. was through several years a lecturer at East Coln in Essex. When Laud became bishop of London, this lecture was suppressed, and the preacher was silenced. Sheppard then retired to a private family, but was soon annoyed by the bishop's officers. On his removal into Yorkshire, Neile, the archbishop, required him to subscribe, or to depart from that province. In Northumberland, the same difficulties attended him, through the interference of Laud and the bishop of Durham. And his next remove was to New England, where he died, having been pastor of a church there nearly thirteen years.—Mather's New England, book III. 86. *et seq.*

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majesty's name, to suffer no clergyman to transport himself without a testimonial from the archbishop of Canterbury, and the bishop of London.*

Tyranny of this measure.

It has been remarked, that at the revocation of the edict of Nantz, odious as that measure was, the French monarch not only allowed his protestant subjects to leave his dominions, but granted them a sufficient interval to dispose of their property. The nonconformists of England were to bear the weight of a heavier oppression. Thus, it would seem, there was more in common between the catholic and the protestant of France, than between the puritan and the orthodox in this country. The subjects of Charles were not to worship God according to their consciences at home, nor were they to seek that liberty in any other region, either in the old world or the new. The men claiming this freedom, whether in England, on the continent, or in the wilds of America, are described as influenced by "factious and schismatical humours;" and it is avowedly a matter of sore regret, that the restraints laid on them in their father-land could not be made to follow them to the earth's boundary!

Invasion of the privileges of the French and Dutch churches.

It was required that the subjects of the English monarch resident in foreign countries, whether serving in armies, or engaged in manufactures, should conform strictly to the worship and discipline of the Anglican church. But it now began to be demanded of all foreigners resident in England, that their children, of the second generation, should withdraw themselves from their native

* Rushworth, II. 409, 410.

churches, and become attendants at the church of the parish in which they should reside. The privileges of the French and Dutch churches in this kingdom had been repeatedly confirmed since the days of Edward the sixth, and more recently by James and his successor. The strangers belonging to these communions amounted to several thousand persons, who protested loudly against the yoke which the primate was thus concerned to impose on them. They were informed, however, that submission was indispensable, and that the evil of their departure from the kingdom was much less than that of their being allowed to perpetuate a schismatical worship in the British dominions. The archbishop notices afterwards, that they had been rendered partially obedient, and flattered himself that he was strengthening the cause of the church of England, while exposing her to the resentment or contempt of every other church in protestant Christendom. In the day of her adversity her zealots became somewhat aware of their error, but even then would hardly descend to acknowledge it.*

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Effect of this intolerance.

* Collier, II. 752, 753, 763—765. Prynne's Cant. Doom, 369. Rushworth, II. 273. Clarendon, III. 366. State Papers, I. 338. "To think well of the reformed religion is enough to made the archbishop an enemy." So spoke the earl of Northumberland in 1640. Sidney Papers, II. 623. Lord Scudamore, the English ambassador at Paris, never went to the protestant church at Charenton, as had been the custom of his predecessors. Laud's remark was, "He is the wiser." When a proclamation was about to be issued, which spoke of the protestant of Germany as professing the same religion with ourselves, Laud contended that there was much in the character of the reformed churches that made this statement untrue, and the document was altered accordingly! There is a letter in Baillie's Collection (I. 191—194) addressed by the primate to the churches and universities of Zurich, Bern, &c. which is in a somewhat better spirit. But this was in 1639, when the clouds of the north were travelling southward.

CHAP. XI.

RELIGIOUS CEREMONIES.

CEREMONIAL INNOVATIONS.—CONSECRATION OF ST. CATHERINE'S CHURCH.—DISPUTES RESPECTING THE POSITION OF THE COMMUNION TABLE.—CASE OF SHERFIELD. — LAUD'S HOSTILITY TO THE COMMON LAW.—SABBATARIAN CONTROVERSY.—PROHIBITION OF CALVINISM.—RESTRICTIONS OF PREACHING.—SUPPRESSION OF LECTURES.

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Such was the feeling of opposition existing at this time with regard to the Romish ceremonies, that had the archbishop limited his zeal, as the advocate of uniformity, to such matters as law or custom had already established, he would have found ample room for that exercise of authority which was evidently so grateful to him. But, in general, no distinction was to be admitted between things of more acknowledged obligation, and certain novelties introduced on his own authority. These novelties, moreover, were such as could afford no material advantage to their author, except as showing the extent of his power; while, upon the body of the people, their inevitable tendency was to increase religious jealousy and disaffection to a dangerous extent. It would almost seem to have been the opinion of this powerful churchman, that religious scruples are best subdued by multiplying the causes that produce them, or that the national

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abhorrence of popery was to be best eradicated by his making the nearest possible approach to the domination of papal policy, and the paganism of papal worship.

But the primate had formed his own estimate as to the extent of the submission due to the will of the sovereign, and to that of his own order. And when it became daily more and more manifest that this measure of subjection was such as could only be secured by force, and a force that should not be bounded by the law, the necessity of resorting to such questionable means, failed to suggest a doubt as to the justice, or even as to the expediency of his plans. In his view, there appears to have been a sort of infallibility inherent in the exercises of monarchical and priestly power, and, accordingly, resistance, in any shape, was denounced as nothing short of rebellion and impiety. While imposing the most barbarous penalties upon the refractory, we sometimes find him supplicating the divine clemency for the sufferers, and an increase of patience for himself.*

* The following extract is from a characteristic letter addressed by Laud, while bishop of St. David's, to Buckingham: "I must be a humble suitor to your grace. I hear, by good hand, that my lord of Canterbury intends shortly to renew the high commission. Now, I am to acquaint your grace that there is never a bishop that lives about London left out of the commission but myself, and many that live quite absent are in, and many inferiors to bishops. The commission is a place of great experience for any man that is a governor in the church; *and I would be loth to be excluded from that which might give me experience, and so enable me to perform my duty.* I humbly desire, *even against my own ease and quiet,* that I may not be deprived of that experience which is necessary for my place."—Cabala, 115. The man who could rest his claim to be a commissioner on these very modest grounds, rarely failed in a plausible excuse for indulging his favourite passions. It was in the following manner that he attempted to justify his being a party to the sentence passed on Leighton in the star-chamber: "All this while," says Leighton, "the man of tongue (Laud) spake what he would without controulment. At his conclusion, he added an apology for his presence

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To a mind thus infatuated, forbearance would be crime. Hence the expression, "thorough, and thorough," as denoting the most uncompromising severity, became the watch-word of the primate's policy, in relation both to the church and state.

Consecration of St. Catherine's Church. 1630.

"As a specimen of the new ceremonies," observes Mr. Hume, "to which Laud sacrificed his own quiet and that of the nation, it may not be amiss to relate those which he was accused of employing in the consecration of St. Catherine's church, and which were the object of such general scandal and offence. On the bishop's approach to the west door of the church, a loud voice cried, 'Open, open, ye everlasting doors, that the King of glory may enter in.' Immediately the doors of the church flew open, and the bishop entered. Falling upon his knees, with eyes elevated, and arms expanded, he uttered these words: 'This place is holy; the ground is holy. In the name of the Father, Son, and Holy Ghost, I pronounce it holy.' Going towards the chancel, he several times took up from the floor some of the dust, and threw it into the air. When he approached with his attendants, near to the communion table, he bowed frequently towards it: and, on their return, they went round the church, repeating, as they marched along, some of the psalms, and then said a form of prayer, which con-

and assistance in this great service, where he confessed that, by the canon law, no ecclesiastical person ought to be present, or assist in such a judicature, where there is the loss of life or member; but, said he, *to take away the ear is not loss of hearing, and so no member lost;* so, for *burning the face*, or *whipping*, no loss of *life*, or *member*, and therefore he concluded he might assent to the censure."—Commentaries on the Reign of Charles I. III. 316, 317. Surely, the deceiver and the deceived must have met in strong proportions in this man.

cluded with these words: 'We consecrate this church, and separate it unto thee as holy ground, not to be profaned any more to common uses.' After this, the bishop, standing near the communion table, solemnly pronounced many imprecations upon such as should afterwards pollute that holy place by musters of soldiers, or keeping in it profane law courts, or carrying burdens through it. On the conclusion of every curse he bowed towards the east, and cried, 'Let all the people say, Amen.' The imprecations being all so piously finished, there were poured out a number of blessings upon such as had any hand in framing and building that sacred and beautiful edifice, and on such as had given, or should hereafter give to it chalices, plate, ornaments, or utensils. At every benediction he in like manner bowed toward the east, and cried, 'Let all the people say, Amen.'

"The sermon followed; after which the bishop consecrated and administered the sacrament in the following manner. As he approached the communion table, he made many low reverences; and, coming up to that part of the table where the bread and wine lay, he bowed seven times. After the reading of many prayers, he approached the sacramental elements, and gently lifted up the corner of the napkin in which the bread was placed. When he beheld the bread he suddenly let fall the napkin, flew back a step or two, bowed three several times towards the bread; then he drew nigh again, opened the napkin, and bowed as before. Next he laid his hand on the cup, which had a cover upon it, and was filled with wine. He let go the cup,

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fell back, and bowed thrice toward it. He approached again; and, lifting up the cover, peeped into the cup. Seeing the wine, he let fall the cover, started back, and bowed as before. Then he received the sacrament, and gave it to others. And many prayers being said, the solemnity of the consecration ended. The walls, and floor, and roof of the fabric were then supposed to be sufficiently holy."*

Disputes respecting the position of the communion table.

After so minute a description of this borrowed pageant, it will not be necessary that other instances of the same ill-timed folly should be noticed at much length. It was a favourite project with the archbishop to have the communion table removed from the centre to the end of the church, and to have it distinguished, moreover, by the name of the altar. Books were written in favour of this change, and others against it. Not a few of the clergy and churchwardens through the kingdom were slow to comply with this requisition, presuming to speak of it as contrary to law and reason. But their temerity exposed them to the displeasure of the spiritual courts, which left them without appeal.†

1633.

Case of Sherfield.

The taste which had suggested this unpopular innovation led to the more frequent use of religious ornaments, particularly images and pictures. The

* History of England, VI. chap. lii.

† Prynne's Cant. Doom. II. 100, 101. Collier, II. 762. Rushworth, II. 207, 316. They were chiefly Laud's dependents among the bishops who brought their zeal to this article of innovation. Bishop Williams distinguished himself by two treatises opposed to it. The first entitled "A Letter to the Vicar of Grantham;" the second, "The Holy Table, Name, and Thing." The change was an evident violation of the eighty-second canon of the convocation in 1604, See an account of the many idle novelties connected with it in Neal, II. 221—224; and Rushworth, II. 279, 280. Clarendon, I. 168, 170—172.

case of Sherfield, the recorder of Sarum, will show the extent of the primate's devotion to these favourite instruments of superstition. In the windows of St. Edmund's church, in Salisbury, were seven pictures of the Almighty, in the form of a little old man in a coat of red and blue. In one he appeared adjusting the heavenly bodies by the aid of a pair of compasses; in others, as variously employed on the works of creation; and in the last, as resting from his labours in an elbow chair. Many persons on entering and leaving the church were accustomed to bow to these objects with a religious reverence. Sherfield procured a vestry-meeting, including six magistrates, and obtained permission to remove the pictures, so objectionable in themselves, and so evidently abused. They were accordingly displaced and destroyed. The recorder, however, was summoned to answer for his conduct in the star-chamber. The information filed against him stated that being evil affected to the discipline of the church, he, with certain confederates, without consent of the bishops, had defaced and pulled down a fair and costly window in the church, containing the history of the creation, which had stood there some hundred years, and was a great ornament to it, which profane act might give encouragement to other schismatical persons to commit the like outrages.

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Sherfield defended himself by contending that St. Edmund's church was a lay fee, and therefore exempt from the jurisdiction of the bishop of the diocese; that the obnoxious painting contained a

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false account of the creation, the work of the fifth day being put in place of the fourth, and the sixth in the place of the fifth. He observed, moreover, that to make an image or picture of the Almighty was an act condemned by the wisest of the fathers and reformers, by the doctrines and homilies of the church of England, by several canons and injunctions under Elizabeth, and by a multitude of ancient councils. In conclusion, he professed his sincere attachment to the discipline of the church, and denied having at any time encouraged opposition to episcopal authority.

Laud appears to have thought it expedient to wave the numerous matters of debate to which he found himself challenged by this spirited defence. He remarked, indeed, that the taste of the painter was not so censurable as the accused had represented, inasmuch as in the scripture itself the Deity is described as the Ancient of Days! It was insisted that the conduct of Sherfield was an insult wickedly cast on the episcopal order, and such as could not fail to prove a dangerous precedent, if allowed to go unpunished. The sentence pronounced was, that the delinquent should be no longer recorder of Sarum, and that he should be committed a close prisoner to the Fleet until he should pay a fine of 500*l.*, and find security for his future conduct.*

* Hume relates that Sherfield broke the window, "contrary to the bishop of Salisbury's express injunctions." This was part of the charge preferred against him. But the account of his examination, to which Mr. Hume refers, shows the falsehood of this accusation.—Rushworth, II. 153—156. It appeared also that vestry meetings had been accustomed to effect much greater alterations in the church than had been accomplished by the zeal of Sherfield, without being questioned by their ecclesiastical superiors.

Nor was Sherfield the only man who suffered thus severely as the consequence of betraying a repugnance to the use of images and pictures in religious worship. By means of such examples, however, the primate contrived to procure a very general conformity to his tastes in such matters; though, as the sequel will discover, it was an unwilling obedience, and to be of no long continuance.

Laud's hostility to the common law.

The conduct of Sherfield, in daring to measure his polemical strength with that of the archbishop, would expose him to increased resentment. It is well known that Laud had long regarded the race of common lawyers as constituting the most formidable barrier in the path of his ambition. Often were they interposing to check the encroachments of the spiritual courts; and, by means of prohibitions from Westminster Hall, they frequently rescued some unhappy victim from the grasp of clerical oppression. Of late, however, the ecclesiastical courts had made some important advances, and the primate roused the whole body of English lawyers, by obtaining from the king, that half the masters in chancery should be civilians—a class of men whose studies generally rendered them the foes of the common law, and the tools of the priesthood. The schism thus widened between the ruling churchmen and the guardians of English jurisprudence, was not among the least formidable of those hostile influences which were ere long to descend, with such fatal violence, on the strong holds of the hierarchy. In many secular questions between the clergy and the people, the judges

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were likely to favour the latter, unless controlled by the king; and it was admitted, even by churchmen, that the spiritual courts were far behind the secular, both in the equity and despatch of their business.* Amid so many proofs of venal prostitution on the part of legal men, it is pleasing to be able to regard the profession generally as including a large measure of patriotic principle, even during this period.

The sabbatarian controversy.

While these encroachments were producing resentment among a very powerful class of persons, there were not wanting measures to extend the same feeling to the very lowest of the people. This effect, which was sure to follow from some proceedings already noticed, was greatly aggravated by the sabbatarian controversy. James had shown his contempt of the puritan doctrine respecting the sanctity of the sabbath, by publishing his well-known book of sports.† Of late, however, the authority of that publication, which soon acquired

* The impolicy and injustice of the encroachment which was thus meditated are conceded and deeply lamented by Clarendon. But the primate did not rest here. In 1637, the business of the ecclesiastical courts began to be conducted in the name of the bishops instead of that of the king, and without the usual patent under the great seal. This called forth several pamphlets in censure of the innovation. Charles descended to justify what had been done.—Rushworth, II. 450, 451. Indeed, not only Laud, but the several prelates who were present at the trial of Bastwick, four years earlier, openly affirmed that "they held not their jurisdiction, as bishops, from the king." Such an assumption, observes Whitelocke, would hardly have passed without censure in the time of Henry II. or Edward III., and in the days of Henry VIII. would have been confuted by some of those "kingly arguments" which that monarch knew so well how to wield.—Memorials, p. 22. It is certain that with Laud, and his adherents, the common law was a profane obtrusive thing, which was on all occasions to give way to the canons of the church. See an anecdote, disclosing his jealousy on this point, in Heylin's Life of the primate, p. 407.

† See Chap. xxi. 322—324. Reign of James.

the name of the "dancing book," had fallen very low, and two of the judges, in the course of their western circuit, had complied with the request of the local magistrates in suppressing certain revels and church ales, as meetings which had led to the greatest disorders, and especially on the Lord's day. Laud complained that the act of the judges was an interference with matters which fell under the jurisdiction of the clergy. The judges adduced several precedents in support of what they had done from the two last reigns, and one even so late as the year 1627. It was commanded, however, that, at their next appearance on the circuit, they should revoke their mandate as publicly and formally as it had been issued, that so the people might be left to their former liberty. The magistrates of the neighbourhood addressed a petition to the king, declaring the sabbath festivals thus encouraged to be often productive of the greatest profanity, licentiousness, and violence. But, on the other hand, the anti-puritan clergy assured the primate, that such indulgences were "very grateful to the gentry, the clergy, and the common people." It was accordingly decided, that every bishop should see the book, which the pious care of king James had provided for the continuance of such customs, duly published in the churches of his diocese. The controversy respecting the obligation to a holy observance of the Lord's day was thus renewed, and many books and pamphlets were written upon it—most of the people contending that the whole of that day should be given to the duties of religion and benevolence; the king and the court clergy

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insisting that the former part of it would be enough to appropriate to such occupations. The effect of obliging the parochial ministers to publish the king's instructions on this point was so obvious that it must have been anticipated. It led to the expulsion of a large body of puritan clergymen from their cures. Prynne refers to it as a notorious fact, that these sufferers amounted to several hundreds, and there is evidence to show the correctness of his statement.*

On this subject it has been usual to mistake the exceptions for the rule, exhibiting the most

* Cant. Doom, 153, *et alibi.* Neal, II. 214—220. "One unhappy course," says May, "which the clergy now took to depress puritanism, was 'to set up irreligion itself against it,' the worst weapon which they could have chosen to beat it down: which appeared especially in point of keeping the Lord's day, when not only books were written to shake the morality of it, as that of *Sunday no Sabbath*, but sports and pastimes of jollity and lightness were permitted to the country people on that day, by public authority, and the warrant commanded to be read in churches: which, instead of producing the intended effect, may credibly be thought to have been one motive to a stricter observance of that day. Many men who had before been loose and careless, began, upon that occasion, to enter into a more serious consideration of it, and were ashamed to be invited, by the authority of churchmen, to that which themselves, at the best, could but have pardoned in themselves, as a matter of infirmity.

"The example of the court, where plays were usually presented on Sundays, did not so much draw the country to imitation, as reflect, with disadvantage, on the court itself, and sour those other court pastimes and jollities, which would have relished better without them in the eyes of all the people, as being things that had ever been allowed to the delights of great princes." —History of the Parliament of England which began in 1640, ed. 1812.

This is a powerful composition, and, considering the circumstances under which it was written, is often singularly impartial. It is thus referred to by the great earl of Chatham, when writing to his son, in 1754: "I desired you, sometime since, to read lord Clarendon's History of the Civil Wars. I have lately read a much honester, and more instructive book, of the same period of history. It is the History of the Parliament, by Thomas May, Esquire. I will send it to you, as soon as you return to Cambridge." Warburton speaks of it, when writing to bishop Hurd, in the preceding year, as "an extraordinary performance, little known; written with great temper, good sense, and spirit." This judgment is repeated in still stronger language, in a second letter to the same prelate.

extravagant among the puritan sabbatarians as specimens of the whole. If this mode of proceeding be thought just, it will certainly follow, that there was much, not only of the severe, but even of the ludicrous, in the notions of the puritans relative to the manner of observing the Lord's day. But, if the sanctity of that day were acknowledged at all, it is plain that to draw the line between the lawful and the unlawful in relation to it, would be a work of difficulty in the case of weak consciences, leading, in some instances, to a kind of scrupulousness, that it might not require any large share of wit to convert into a theme of merriment.

A puritan sabbath, however, as observed by the more intelligent among that people, was neither a day of frivolous preciseness nor a day of mourning. It was a season consecrated to pursuits of high and joyous import. It began with reading the lessons of that volume which the great Parent of the universe has bestowed upon our race, and with offering to him the domestic sacrifice of prayer and praise—a sacrifice presented jointly by the father and his family, the master and his household. With the return of the sabbath light, the house of every devout man became a sanctuary, and himself a priest. In their public assemblies there was the same solemn approach to the throne of their Maker; the same utterance of the memory of his goodness; the same forgetfulness of all present greatness and present meanness, in the one feeling of nothingness before God; and the same exalted consciousness of seclusion from the cares and labours of the earth, to have near concernment

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with whatever is great and felicitous in heaven. Thus the peasant was told of his freedom; the humble raised to the level of the greatest; and they who had otherwise no leisure for reflection, were invited to think, and to employ their untaught reason on subjects most fitted to engage and to improve it. The puritans, therefore, knew little of that gloom on this day, which their opponents, in the abundance of their wisdom, were pleased to impute to them. The tendency of such exercises was to render Englishmen unfit for the baseness of despotism; to make the fear of God their master-fear; and to create in them an attachment, and an attachment partaking of the fixedness of religious principle, to every thing that might serve to raise the meanest of their brotherhood to the place of the meditative and the free. This was no secret with their enemies; and the policy of the book of sports was about as wise, in one sense, as it was impious in another. Of all the exhibitions of religion, as the mere tool of a factious policy, which our chequered history can supply, this was the most profligate.*

* Speaking of the book of sports, as issued by James I., Mr. D'Israeli remarks, "His native good humour, and his deep policy, combined to ward off this popular shape of puritanism."—III. 362. "From time immemorial," observes this writer, "our rude and religious ancestors had preserved their country wakes, festivals held through the night. To strew rushes on the floor, and to hang fresh garlands in the church, were offices pleasing to the maidens; the swains encountered each other in the athletic recreations of wrestling, cudgeling, and leaping; or melted the hearts of their mistresses by their morris dances and maypoles; above all, they feasted liberally—the rich spared not their hospitality," &c. It is not to be concealed, however, "that these village saturnalia were not always associated with innocent simplicity—*swains were too fortunate, and maidens too tender; the ales were too potent; and the wrestlers too pugnacious,*" &c. &c.—269—272. In the morning of this merry-making day, these refined personages were all to be seen at church, and, as the commandment

Before the expulsion of the sabbatarian clergy, great precaution had been exercised to render their zeal in this and other matters as ineffective as possible. Calvinism had lost the favour of the court some time before the death of James, probably because of its marked alliance with an ecclesiastical polity so little agreeable to the interested speculations of that monarch. Charles imbibed the sentiments of his father in this respect, and prohibited all public discussion on the points of predestination. But, unfortunately, in the matter both of preaching and printing, it soon became manifest that this prohibition was one to be extended to whatever might be said in favour of that mysterious doctrine, and not at all to what might be said in abuse of it. Such of the puritans as presumed to correct the frequent misrepresentations of this article, were liable to severe treatment in the spiritual courts; nor could any rank secure them from censure. Among those who suffered on this account were the well-known Dr. Prideaux, and the learned and amiable bishop Davenant. According to an official paper, by the bishop of

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was read from the altar, "Thou shalt keep holy the sabbath day," all replied, "Lord, have mercy upon us, and incline our hearts to keep this law!" It is perfect idleness in Mr. D'Israeli, and writers of his class, to employ their logic and their learning for the purpose of shewing that this precept had no reference to the first day of the week; for, as it occurred in the established ritual, it could have no other reference, and so long as this use of the decalogue was retained, the king and the bishops were justly reproached with desecrating a divine institute for private ends.

Dr. Southey observes, with respect to this innovation, that "it displeased the well-intentioned part of the calvinized clergy, and was abused, in officious triumph, by those who were glad of an opportunity for insulting the professors of a sullen and dismal morality." The historian assumes, at a stroke, that the "sabbath was intended to be no less a day of recreation than of rest."—Book of the Church, II. 350.

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St. Asaph, the prelates were particularly careful of that "branch of his majesty's instructions which related to Calvinism."*

Restrictions of preaching.

But it was not deemed sufficient thus far to control the office of preaching. It was resolved to abridge the exercise itself, as being too commonly employed, by designing men, to promote those "factious humours" among the people, which were regarded as the disease of the age. It was therefore required, that in every parish the preaching of the morning should suffice, catechising by simple question and answer being substituted in the place of the sermon in the afternoon. It was also provided that a report should be annually made of the comparative attendance at the sermon and the catechising. The same regulations discover considerable jealousy respecting a class of persons called lecturers. They required, that every lecturer

* Elizabeth shared in the feeling of the two first Stuarts on this subject. The following statement is made by Dr. Southey, as to the honour of that princess. "Elizabeth perceived that the principles of these church revolutionists were hostile to monarchy. Men, she said, who were 'overbold with the Almighty, making too many scannings of his blessed will, as lawyers did with human testaments.' And she declared, that without meaning to encourage the Romanists, she considered these persons more perilous to the state."—Book of the Church, II. 295. This sort of reasoning was constantly applied to all the peculiarities of the puritans, from the accession of Elizabeth to the fall of the monarchy. The enemies of that people have always had a purpose to answer, by thus identifying their opposition to the extravagant power of the crown during that period, with an opposition to the very existence of monarchy. To *limit* may be one thing, to *destroy* may be another; but there are occasions on which it is important not to see this distinction. The atmosphere of the Anglican church, from the fall of popery to the rise of the commonwealth, was only suited to men who could look on religion as a thing to be implicitly received, and in no case examined. It was a system of dictation, while the great element of puritanism was a spirit of inquiry. The alternative, in consequence, was, that the established church should be made more tolerant, or the spirit of the puritans be subdued—which was the most desirable event, the reader will judge. See Neal, II. 178, 187, 188, 196, 226.

should read the service in a surplice and hood before preaching; that the lectures in market towns should be intrusted to the most grave and orthodox divines, who should preach in gowns, and not in cloaks, as was too commonly done; that no lecturer should be admitted, if objecting to occupy a living with cure of souls; and that every bishop should make arrangements to have the sermons of lecturers attentively observed. These men, as the reader will suppose, were popular preachers; and, by limiting their functions to the pulpit, they sometimes contrived to avoid conforming with those parts of the public service to which their conscience was most opposed. By means of the above regulations, they were obliged to choose between silence and a strict conformity. It was stated by the bishop of Bath and Wells, a little after this time, that there was not a lecture continued in any town of his diocese, nor a parish in which the sermon in the afternoon had not been made to give place to catechising. Preaching, he insisted, was no longer necessary, as in the apostolic age, or in the first planting of Christianity; and several ministers were severely censured, for having mixed some unauthorised questions with their catechetical instructions. "The bishop of Peterborough, and all the new bishops," says Neal, "went in the same track; and some of them, upon this sad principle, that afternoon sermons on Sunday were an impediment to the revels in the evening."*

1633.

* Neal, II. 179, 225, 226.

CHAP. XI.

1629—1640. Suppression of lecturers.

But this zeal against lecturers was not yet at its height. It was during this period that a plan was matured, by several ministers and laymen, for the purpose of placing serious preachers in some of the most considerable towns in the kingdom.

1627. Several lay impropriations were purchased, and provision was made for the support of lecturers, who were to be nominated by the purchasers. The contributions to this object had amounted to nearly 6,000*l.*, and thirteen impropriations had been

1632. secured, when Laud interposed, charging the parties with hostile intentions towards the church, and with the mal-practice of preferring nonconformist ministers. It does not appear that there was any thing really illegal in what had been done. But the persons forming the association were known to be puritans, or favourable to that party, and it was decided that the impropriations were forfeited to the king. This loss, also, would have been followed by the fine of 1,000*l.* had it not been proved that the supposed delinquents were losers to that amount already by their project. One effect of this measure was to render the distance between the puritans and the orthodox more hopeless than ever. Laud soon became sensible of the odium which the transaction brought upon him, and, in his diary, prays that the wickedness of his accusers might be forgiven, and that his own patience may be strengthened! *

* Rushworth, II. 150—152. Fuller, XI. 136. Cant. Doom, 379, 385. The restoration of lay impropriations was much coveted by such churchmen as Laud, and was meditated by Charles, but that they should be applied to ecclesiastical uses, under a puritan superintendance, was far from being meant. Bancroft represents the lay impropriations of England as being

While the general practice of the puritan clergy, and especially their preaching, was thus watched, and thus sharply corrected in the high places of ecclesiastical power, it became usual for each bishop to draw up a series of questions, which were so framed, and to be so administered, that the slightest irregularity within his diocese might be speedily brought under his notice. Montague, whose notorious hostility to puritanism had procured his elevation to the see of Norwich, followed the example of his predecessor in this respect, and directed his special vigilance against these lecturers. He describes them as including three classes. The first, consisted of such as were inducted into the cures of other men; and the conformity of these, in all things, was to be carefully reported, together with the subject, and the length, of their sermons. The second class are called combination lecturers, being persons associated to preach in succession, in certain towns, on market days. Respecting the conduct of these the same minute account was to be returned. The third body consisted of preachers who removed their lecture from one parish church to another at a considerable distance, according to an understanding between them and their followers. It was also their custom to meet their people

at least two thousand. And, writing to James in 1610, observes, "It seemeth, therefore, unto me that your majesty would do a work worthy of your most religious wisdom and circumspection, if you would be pleased to insist on the abrogation of the said statute for impropriations, whereby tithes are paid to laymen, for whom they were never appointed."—Dalrymple, I. 20, 21. Laud confessed the project of the committee was a pious one. But it is easy to suppose that the primate saw less evil in the case referred to by Bancroft, than in the conduct of these patrons of puritan lecturers.

CHAP. XI. 1629—1640.

after sermon in some private apartment, for religious conference, and there to make arrangements for their future meetings. The names of all such lecturers were to be presented without delay. It was even enjoined that the churchwardens of every parish should inquire whether any persons were accustomed to talk of religion at their tables, and in their families.*

* Neal, II. 245—249. Rushworth, II. 186, 187. Among the hundred and thirty-nine queries issued by the bishop of Norwich, to be answered with regard to every minister in his diocese, were the following: "Is your communion-table so placed within the chancel as the canon directs? Doth your minister read the canons once every year? Doth he pray for the king with his whole title? Doth he observe all the orders, rites, and ceremonies prescribed in the book of common prayer, and administering the sacraments? Doth he receive the sacrament kneeling himself, and administer it to none but such as kneel? Do the strangers of other parishes come often to your church? Doth your minister baptize with the sign of the cross, wear the surplice, catechize the young in the ten commandments, or doth he solemnize marriage without the banns? Hath your minister read the Book of Sports in the church? Doth he use conceived prayers before or after sermon? Are the graves dug east and west? Do your parishioners, on going in and out of the church, do reverence toward the chancel? Do they kneel at the confession, stand up at the creed, and bow at the glorious name of Jesus?"—Cant. Doom, 97, 376. Neal states, that not less than fifty able ministers were silenced, suspended, and otherwise censured, to the ruin of their families, for not obeying one or other of these articles. He has recorded the names of a large proportion of the sufferers.—II. 248.

END OF VOL. I.

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